

CCAJSOU1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 In the Matter of one infant child
4 ABDOLLAH NAGHASH SOURATGAR,

Petitioner,

5 v.

12 Civ. 7797 PKC

6 LEE JEN FAIR,

7 Respondent.
8

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9
10 December 10, 2012
11 11:50 a.m.

12 Before:

13 HON. P. KEVIN CASTEL,

14 District Judge

15
16 APPEARANCES

17 ROBERT D. ARENSTEIN,
18 SANDRA NUNEZ,
19 Attorneys for plaintiff

20 PATTON BOGGS LLP
21 Attorneys for defendant
22 BY: ANDREW J. McNALLY, Esq.
23 DORCHEN A. LEIDHOLDT, Esq.
24 Of counsel

25 Also Present:
JENNIFER BAUM,
JENNA DiCOSTANZO,
Guardians ad Litem
- and -
JANE KIM, Esq.

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1 (Trial resumes)

2 (In open court)

3 THE COURT: The witness may resume the stand. Please
4 be seated.

5 MR. ARENSTEIN: Your Honor, if I might address the
6 court?

7 THE COURT: One second, please. Please be seated.
8 The court reminds you that you are still under oath.
9 Thank you. Mr. Arenstein.

10 MR. ARENSTEIN: On Thursday, your Honor, you directed
11 respondent's counsel to give us a copy of the passport and the
12 visas of the grandmother, and we asked for it this morning.
13 Counsel told us that they were going to give it to the court
14 and they weren't going to give it to us. We have not received
15 it yet.

16 THE COURT: Why don't you let them speak for
17 themselves.

18 MS. LEIDHOLDT: Unfortunately, we just have one copy
19 of the passport of our client's mother's passport. We are
20 happy to let opposing counsel take a look at it. We did not
21 have a copy to give them.

22 THE COURT: Okay. That is easily. Show it to Mr.
23 Arenstein, and my Deputy can arrange for a photocopy on the
24 break.

25 MS. LEIDHOLDT: Thank you.

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1 THE COURT: Mr. Arenstein.

2 MS. LEIDHOLDT: Your Honor --

3 THE COURT: These are the kinds of things that irk a
4 Judge for the following reason:

5 A simple conversation in which both people are
6 communicating would resolve an issue such as that. I don't
7 understand why, and I don't want to hear why, but it is
8 apparent to anyone reading this record that grown-ups could
9 have resolved that without having to raise it at this hearing
10 this morning. Yes, ma'am. Was there something else you wanted
11 to address?

12 MS. LEIDHOLDT: Only one other matter. Your Honor
13 asked about information about New York State's mandatory arrest
14 law. I have it here. I would like to give Mr. Arenstein and
15 Ms. Nunez an opportunity to review the documents before I
16 submit them to the court.

17 THE COURT: I am curious. I am curious. Why wouldn't
18 you have done that before the Judge took the Bench?

19 MS. LEIDHOLDT: Your Honor is so right. Apologies.

20 THE COURT: This has happened before.

21 MS. LEIDHOLDT: I understand.

22 THE COURT: All right. So what grown-ups do is they
23 show it to their adversary and then they hand it up to the
24 court saying they've already done this, all right? They don't
25 with a big flourish say, "I have something I am going to hand

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1 up and now I'll give it to my adversary," et cetera.

2 MS. LEIDHOLDT: I understand, your Honor.

3 THE COURT: Really!

4 Folks ought to think first. You may resume your
5 examination. I mean I have to tell you, I much prefer just
6 hearing testimony of witnesses and proceeding to conclusion
7 with this hearing. I didn't really become a judge to referee
8 issues of whether a photocopy was provided or not provided or
9 whether offers can be made before the judge before you talk to
10 your adversary. That is not the fun part of judging. I don't
11 enjoy having to have these conversations with both sets of
12 counsel.

13 I do appreciate getting to testimony and to the issues
14 in the case, which is why I came to work today. So let's go

15 MS. LEIDHOLDT: I would like to re-ask again, again
16 ask the last question that I asked when the trial concluded.

17 THE COURT: Ask it.

18 LEE JEN FAIR,

19 resumes as a witness by the Respondent,

20 having been previously duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. LEIDHOLDT:

23 Q. Ms. Lee, did there come a time that you found out that you
24 were pregnant?

25 A. Yes.

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1 Q. When, approximately, was this?

2 A. The end of May.

3 Q. Of what year?

4 A. 2008.

5 Q. How did you feel about learning you were pregnant?

6 MR. ARENSTEIN: Objection.

7 THE COURT: Overruled.

8 A. I was very happy. I was thrilled because I always wanted
9 to have a baby.

10 BY MS. LEIDHOLDT:

11 Q. Did you tell Mr. Souratgar that you had found out that you
12 were pregnant?

13 A. Yes, I did.

14 Q. When was that, approximately?

15 A. As soon as I found out.

16 Q. What was Mr. Souratgar's reaction?

17 A. He was not happy at all. He said that I was lying and he
18 told me that he does not want anything to do with the baby.

19 MR. ARENSTEIN: Objection.

20 THE COURT: Let me ask you a question. I overruled
21 Mr. Arenstein's objection to the question, "How did you feel
22 when you learned you were pregnant?" And I allowed that answer
23 to stand.

24 But I call upon you to tell me how that is relevant to
25 any issue before me?

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1 MS. LEIDHOLDT: Your Honor, it is part of an incident,
2 a specific incident that I will then question my client about,
3 questions about an incident of serious domestic violence
4 directed at her immediately on the heels of this conversation
5 while she was pregnant, your Honor.

6 THE COURT: I didn't ask you about the conversation.

7 MS. LEIDHOLDT: Yes.

8 THE COURT: I didn't ask you about the conversation.

9 MS. LEIDHOLDT: Then perhaps I don't understand your
10 Honor's question.

11 THE COURT: Let me go back. The second question you
12 asked this morning was how the witness felt when she learned
13 that she was pregnant. Do you recall asking that question.

14 MS. LEIDHOLDT: Oh, yes, I do.

15 THE COURT: Do you recall there was an objection.

16 MS. LEIDHOLDT: I do.

17 THE COURT: Do you recall that I overruled it?

18 MS. LEIDHOLDT: Yes, I do, your Honor.

19 THE COURT: The question that I asked you is having
20 overruled the objection, I am now asking you of what relevance
21 was that question and answer?

22 MS. LEIDHOLDT: Your Honor, I think that the different
23 reactions of the parties to the news of Ms. Lee's pregnancy was
24 part and parcel of conflict and then an incident of domestic
25 violence that immediately followed on the heels of her learning

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1 that she was pregnant.

2 THE COURT: Well, it may be that there are chains of
3 causation. I am giving you latitude to get into incidents
4 which predate the separation of the parties in May of 2011. I
5 have given you latitude now to get into an incident that
6 predated the birth of the child.

7 Instead of getting into the incident, you're getting
8 into causation. You could very easily have asked the question
9 about how did you feel before you met Mr. Souratgar about the
10 prospects of one day having a child. It seems to me that the
11 answer to the question would be no more relevant than the
12 answer to the question that you've asked.

13 MS. LEIDHOLDT: Your Honor, I will move immediately
14 into the incident.

15 THE COURT: No. There is a message to this. Either I
16 am going to start sustaining objections or you're going to
17 confine yourself to relevant matter. Then you can have an
18 argument with me about my sustaining objections.

19 I have given you a lot of latitude and I expect that
20 you not abuse it, okay?

21 MS. LEIDHOLDT: Yes. Thank you.

22 BY MS. LEIDHOLDT:

23 Q. What, if anything, Ms. Lee, transpired on May 31st of 2008?

24 A. I told Mr. Souratgar I wanted to leave him.

25 MR. ARENSTEIN: I can't hear the witness, your Honor.

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1 THE COURT: Please keep your voice up.

2 THE WITNESS: I told Mr. Souratgar that I wanted to
3 leave him because he wasn't happy about having a child. Then
4 he got angry and then he took a newspaper and threw it on me.

5 MR. ARENSTEIN: Objection, your Honor.

6 THE COURT: Overruled. Why? What is the basis for
7 the objection?

8 MR. ARENSTEIN: I don't see the relevance of this
9 testimony that basically occurred prior to the birth of the
10 child again and we are going into history that I am not sure is
11 relevant to even grave risk of danger.

12 THE COURT: I think you may be right, but at this
13 stage of the game let's conclude this hearing. The court can
14 sort this out based on the briefs that the parties have already
15 submitted. Let's go.

16 BY MS. LEIDHOLDT:

17 Q. Ms. Lee, when you testified he threw a newspaper at you,
18 was it an open or closed newspaper?

19 A. It was a folded newspaper.

20 Q. What happened then?

21 A. And then I told him to stop it and then he started to slap
22 me. Then he told me that he wanted to call my mother to tell
23 my mother that I'm crazy, and I tried to stop him because I
24 didn't want to upset my mom.

25 Q. What was happening physically with Mr. Souratgar at that

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1 point?

2 A. He was slipping and hitting me on my head, my body, and
3 then he started kicking me all over my body, on my thigh, on my
4 back. Then he took a phone and started to call my mom, which I
5 tried to get away from him. Then I got angry, so I slipped him
6 back once.

7 MR. ARENSTEIN: Objection, your Honor. Again I will
8 make a continuing objection to this line of questioning and the
9 testimony itself which I would ask to strike.

10 THE COURT: The motion to strike I'm reserving on.

11 Go ahead.

12 BY MS. LEIDHOLDT:

13 Q. What happened then?

14 A. Then he called my mom and he told my mom that I'm crazy and
15 he asked her to come and take me home from Singapore back to
16 her home. Then after that I tried to take the phone away from
17 him and I told my mom that Majid was beating me. Then after a
18 while, I don't know what was the conversation and I just hear
19 him saying, "I will kill you."

20 So I got very scared. Then he continued hitting me,
21 though I just grabbed my handbag and then I left the house and
22 I took my three dogs along with me.

23 THE COURT: You took your three dogs along with you?

24 THE WITNESS: Yes.

25 THE COURT: Thank you.

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1 BY MS. LEIDHOLDT:

2 Q. What happened then?

3 A. And then I went to my friends' house. She was staying --

4 THE COURT: She stayed?

5 THE WITNESS: She stayed nearby, and then I ran over,
6 I was so frightened and I told her what happened. Then she and
7 her husband, they calmed me down and then they took, told me to
8 go and see a doctor because she knew I was in my first stage of
9 pregnancy.

10 MR. ARENSTEIN: Again I object to the testimony what
11 her friend said and seeing a doctor.

12 THE COURT: Overruled. Go ahead. Subject to a motion
13 to strike. Go ahead.

14 THE WITNESS: And my friend, her name is Alexandra,
15 she and her husband then said we should lodge a police report
16 first. So I say okay. Then the three of us we went down to
17 the police station.

18 BY MS. LEIDHOLDT:

19 Q. What, if anything, happened when you were at the police
20 station?

21 A. We lodged a police report. The officer asked for my --

22 MR. ARENSTEIN: Objection for what the officer did.

23 THE COURT: What?

24 MR. ARENSTEIN: She is saying the officer did
25 something. That is hearsay.

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1 THE COURT: Why is it hearsay?

2 MR. ARENSTEIN: That person is not here for me to
3 cross-examine.

4 THE COURT: So, in other words, if the officer picked
5 up his baton and hit her or the officer went to the phone or
6 the officer wrote something down in a book, that would be
7 hearsay? Is that what you are saying?

8 MR. ARENSTEIN: No.

9 THE COURT: That was the question that was asked, Mr.
10 Arenstein. Please follow the questions. Go ahead, you may
11 answer.

12 THE WITNESS: Then I gave him my ID. Then he took
13 down the particulars and then he asked me how can he help me.
14 I told him that my husband beat me and then I just want to
15 lodge a police report. So he took down my statement and then
16 he printed out a copy and have me sign. Then I signed it and
17 then he put a stamp on it.

18 After that, I asked the police officer are you going
19 to take action? He say they cannot take action.

20 MR. ARENSTEIN: Objection to what they said.

21 THE COURT: Overruled. Is it being offered for the
22 truth of itscontent or the fact it was said?

23 MS. LEIDHOLDT: The fact it was said, your Honor.

24 THE COURT: Go ahead. Then it is not hearsay.

25 THE WITNESS: The police officer told me this is

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1 categorized under domestic violence and unless I obtain a
2 personal protection order from the Family Court, they will not
3 take action.

4 MR. ARENSTEIN: I object to that statement, your
5 Honor.

6 THE COURT: Again it is not for the truth of its
7 content. That is not evidence that that is the position of the
8 Singapore Police, correct?

9 MS. LEIDHOLDT: True.

10 THE COURT: That is not evidence of it. It is simply
11 for the fact it was said by this man.

12 MS. LEIDHOLDT: Yes.

13 THE COURT: Not that it is, in fact, true, but it was
14 said.

15 MS. LEIDHOLDT: Yes.

16 THE COURT: Because that may influence what the
17 witness does next.

18 If what the witness does next, and its relevance to
19 the story is not there, then for the fact it was said becomes
20 irrelevant and it is subject to a motion to strike which in
21 this nonjury proceeding can be done. You don't have a jury
22 here. Let's go.

23 BY MS. LEIDHOLDT:

24 Q. What happened then, Ms. Lee?

25 A. By the time we were done, it was pretty late and then most

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1 of the medical centers are already closed. So me and my
2 friends, we decided to see the doctor the next day, which the
3 next morning I went to the doctor and I told the doctor that I
4 would like to check. I told him about the incident and I
5 wanted some medical treatment.

6 I also told him that I am five weeks' pregnant and I
7 just wanted to assure that the baby is okay.

8 Q. At the time after this incident, at the time you were
9 getting help from the police and going to see the doctor, did
10 you have any injuries?

11 A. Yes, there were big, multiple bruises, blue and black
12 bruises on my thigh.

13 THE COURT: I didn't hear what you just said.

14 THE WITNESS: Multiple blue and black bruises on my
15 thigh.

16 THE COURT: Thigh?

17 THE WITNESS: Yes. My face was swollen because --

18 THE COURT: Where was it swollen?

19 THE WITNESS: Both sides of my cheeks.

20 THE COURT: Both sides of your cheeks were swollen?

21 THE WITNESS: Yes.

22 THE COURT: That was from the slap?

23 THE WITNESS: Yes.

24 THE COURT: What was the thigh black and blue from?

25 THE WITNESS: From the kick. He kicked me and he beat

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1 me.

2 THE COURT: Anything else?

3 THE WITNESS: No.

4 THE COURT: Thank you. Next question.

5 BY MS. LEIDHOLDT:

6 Q. Other than your cheeks being swollen, were there any other
7 marks on your face?

8 A. Fingernail marks.

9 MR. ARENSTEIN: Objection.

10 THE COURT: I thought I just asked the question
11 anything else, and the answer was no.

12 MR. ARENSTEIN: Right. Objection.

13 MS. LEIDHOLDT: Excuse me.

14 THE COURT: Excuse me, Mr. Arenstein. I am not
15 talking to you at the moment. Go ahead, counselor. I don't
16 understand what just happened. I asked the witness was there
17 anything else. She said no.

18 MS. LEIDHOLDT: I don't think she fully understood the
19 question, your Honor. I think she may have thought is there
20 anything else that you want to say because if I may make an
21 offer of proof, I am aware --

22 THE COURT: I will let the witness's testimony stand
23 as it is. Overruled. Next question.

24 MS. LEIDHOLDT: Okay. Just one second, your Honor,
25 please.

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1 BY MS. LEIDHOLDT:

2 Q. What then happened at the end, if anything, at the end of
3 your visit to the medical clinic?

4 A. The doctor wrote a medical report for me because I also
5 told him that the police officer told me in order to obtain a
6 personal protection order, I needed a medical report from him,
7 which he did.

8 MR. ARENSTEIN: I object to what the police officer
9 told her. If it is not for the truth of the statement, I
10 understand that, but I think it seems to me it was for the
11 truth of the statement.

12 THE COURT: Is it offered for the truth of its
13 content?

14 MS. LEIDHOLDT: No, it is not, your Honor.

15 THE COURT: Okay.

16 (Off-the-record discussion)

17 MS. LEIDHOLDT: May I approach the witness, your
18 Honor?

19 THE COURT: You may. You may. I would ask that you
20 do so.

21 MS. LEIDHOLDT: Yes. Thank you.

22 BY MS. LEIDHOLDT:

23 Q. Ms. Lee, I am showing you a document that has been marked
24 for identification as Respondent's 7 for identification.

25 Ms. Lee --

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1 A. Yes.

2 Q. -- do you recognize the document in front of you that's
3 been marked Respondent's 7 for identification?

4 A. Yes.

5 Q. Ms. Lee, what do you recognize that document to be?

6 A. The police report.

7 Q. Why do you recognize this document to be the police report,
8 a police report?

9 A. Because I went down to the police station to make one.

10 Q. Is this the police report you made at the police station on
11 May 31st of 2008?

12 A. Yes.

13 MR. ARENSTEIN: Your Honor, I have an exhibit list
14 that was given to me by counsel, and Exhibit 7 is the May 16th,
15 2011 order of the court. I believe Exhibit 1 is --

16 THE COURT: Show it to counsel.

17 (Off-the-record discussion)

18 MS. LEIDHOLDT: What has happened, your Honor, the
19 numbering has changed, but we have submitted all of these
20 documents to Mr. Arenstein.

21 THE COURT: If you premarked your exhibits, I don't
22 see how they would change.

23 MS. LEIDHOLDT: At the time that we submitted this,
24 our list of documents, we received no comparable list,
25 submission of exhibits from Mr. Arenstein, but --

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1 THE COURT: That would explain why you have changed
2 between your premarked exhibits and your own exhibit list
3 because you didn't receive a comparable list from Mr.
4 Arenstein, I suppose. Is that why they don't correspond?

5 MS. LEIDHOLDT: That is part of the problem, your
6 Honor.

7 THE COURT: How did that influence them not
8 corresponding?

9 MS. LEIDHOLDT: Well, I wasn't sure what -- some of
10 the documents are documents Mr. Arenstein has submitted into
11 evidence and some are not, and we did not -- we sent Mr.
12 Arenstein the list of our exhibits before this trial commenced,
13 your Honor, and we had numbered them at that time, and then the
14 trial commenced and we were not sure precisely how the
15 numbering would change.

16 THE COURT: I don't understand that because this is
17 something in common with every trial. It is the concept of
18 premarking. Trial evidence is dynamic.

19 MS. LEIDHOLDT: Yes.

20 THE COURT: It may be that you premark something as
21 Exhibit 19, but it may be the first exhibit that you offer.

22 MS. LEIDHOLDT: Yes.

23 THE COURT: That is the concept of premarking.

24 MS. LEIDHOLDT: Yes.

25 THE COURT: I am still not understanding how Mr.

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1 Arenstein's conduct influenced the variance between your
2 premarking of your own exhibit and the exhibit number which is
3 now being used.

4 MS. LEIDHOLDT: Yes, it is not only Mr. Arenstein's
5 conduct. We did not get a list of exhibits, as I mentioned
6 your Honor. Also in the pendency of the trial, there were
7 documents we planned to introduce into evidence in a certain
8 order, and that is when we submitted our exhibit list to Mr.
9 Arenstein, we indicated what those numbers were.

10 Then after certain documents were introduced into
11 evidence, the numbering has changed.

12 THE COURT: That would imply in the ordinary trial,
13 any trial held in this courthouse, that if your order of proof
14 varies, that would, therefore, affect the premarking of
15 exhibits, and that's contrary to what the concept of premarking
16 of exhibits is.

17 They are premarked before the trial, before you even
18 know whether you're going to offer it at the trial or in what
19 order you're going to offer. The numbers are inherently
20 arbitrary in that sense.

21 MS. LEIDHOLDT: Yes.

22 THE COURT: The fact that you find no need to offer
23 the first exhibit, first five exhibits premarked as 1 through 5
24 would not make your premarked Exhibit 6 now Exhibit 1. It
25 would remain premarked as Exhibit 6, and that would be your

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1 first exhibit. That is the concept of premarking, and I am
2 still not understanding how Mr. Arenstein's conduct influenced
3 this.

4 MS. LEIDHOLDT: I am not blaming this on Mr.
5 Arenstein. I take full responsibility for any problems we are
6 having with numbering of any exhibits, your Honor.

7 THE COURT: The problem I have is when I started this
8 dialogue with you, that is exactly what you said. There is a
9 transcript here. You are welcome to reread the transcript.

10 You said, and this is a close paraphrase, part of the
11 problem here, Judge, is that I didn't receive a comparable list
12 from the other side.

13 MS. LEIDHOLDT: Yes.

14 THE COURT: I think that is approximately what you
15 told me when I raised this with you.

16 Am I misremembering that?

17 MS. LEIDHOLDT: Yes, your Honor. What I was trying to
18 say was that I thought your Honor might be under the impression
19 we had not submitted our documents and our exhibit list to Mr.
20 Arenstein, and we had.

21 Your Honor, we did not receive a list of exhibits from
22 Mr. Arenstein. We did not. That is perhaps immaterial, your
23 Honor, and I apologize. We should have done a better job of
24 dealing with the marking of our own exhibits.

25 THE COURT: You have now reviewed what is newly marked

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1 as Respondent's Exhibit 7, Mr. Arenstein.

2 MR. ARENSTEIN: Yes. I haven't reviewed it but, yes,
3 I have it marked as the Exhibit 1.

4 THE COURT: You established that already. I am trying
5 to move off the dime on this.

6 MR. ARENSTEIN: Yes.

7 THE COURT: Have you now reviewed what has been shown
8 to the witness as Respondent's Exhibit 7?

9 MR. ARENSTEIN: I have not been given a copy of it by
10 counsel, but now I have.

11 THE COURT: You never received it?

12 MR. ARENSTEIN: I have copies of it, but I never got
13 it from counsel. I might have, I did give an exhibit list, but
14 I am not going to go that right now. It was an exhibit list I
15 gave to your Deputy and I also gave it to both sides here by
16 e-mail. They all received it.

17 THE COURT: Do you have an objection to Respondent's
18 Exhibit 7?

19 MR. ARENSTEIN: I do.

20 THE COURT: Basis?

21 MR. ARENSTEIN: Hearsay.

22 THE COURT: Overruled. It is received.

23 (Respondent's Exhibit 7 received in evidence)

24 MR. ARENSTEIN: Are we calling this 1 or 7?

25 THE COURT: It was offered as Respondent's 7. I don't

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1 know whether you heard the colloquy.

2 MR. ARENSTEIN: I did. I am trying to, for my own
3 exhibit list -- I will change it to 7.

4 MS. LEIDHOLDT: Respondent's 7 is now introduced into
5 evidence as Respondent's 7 in evidence.

6 THE COURT: I didn't understand that comment.

7 MS. LEIDHOLDT: I am sorry. May I again approach the
8 witness, Judge?

9 THE COURT: Yes.

10 BY MS. LEIDHOLDT:

11 Q. Ms. Lee, I am handing you Respondent's 8 for
12 identification.

13 A. Okay.

14 Q. Ms. Lee, do you recognize the document in front of you
15 identified as Respondent's 8 for identification?

16 A. Yes.

17 Q. What do you recognize that document to be?

18 A. This is a medical report by the doctor.

19 Q. When did you obtain this medical report?

20 A. On the 1st of June.

21 Q. What were the circumstances under which you obtained the
22 medical report?

23 A. I am sorry?

24 Q. Where did you obtain the medical report?

25 A. At the clinic, the doctor's practice.

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1 Q. Do you recognize the name Dr. Eugene Loke?

2 A. Yes.

3 Q. Who is Dr. Eugene Loke?

4 A. He was one of the doctors who works at the practice.

5 Q. Was this the doctor who treated you?

6 A. Yes.

7 Q. On June 1st of 2008 after you made, day after you made the
8 police report?

9 A. Yes.

10 MS. LEIDHOLDT: I respectfully offer Respondent's 8
11 for identification into evidence as Respondent's 8 in evidence.

12 THE COURT: Objection?

13 MR. ARENSTEIN: Objection, your Honor. This is
14 hearsay. There are statements made in this letter which I have
15 no right to cross-examine, talking about an episode of domestic
16 violence, et cetera.

17 THE COURT: Why aren't they admissible as statements
18 made to a treating physician in the course of treatment?

19 When you say the treating physician -- I was hit by a
20 cab on 42nd Street -- wouldn't that be admissible as a
21 statement made to treating physician? Obviously, it is no more
22 probative than the testimony of the witness, but why doesn't it
23 come in?

24 MR. ARENSTEIN: He makes conclusions here I don't have
25 a right to cross-examine.

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1 THE COURT: What are the conclusions?

2 MR. ARENSTEIN: The injuries are consistent with her
3 side of what happened, already been reported. He said this is
4 from an episode of domestic violence yesterday. He has made a
5 conclusion here that I don't believe he has the right to make
6 without me having a chance to cross-examine.

7 THE COURT: I will receive it subject to a motion to
8 strike.

9 (Respondent's Exhibit 8 received in evidence)

10 THE COURT: Please continue.

11 MS. LEIDHOLDT: Your Honor, if I may just very, very
12 briefly, all of these exhibits were part of Mr. Arenstein's
13 reply papers, his motion to this Court in the instant matter
14 that, in fact, have been submitted.

15 THE COURT: Mr. Arenstein did not raise an
16 authenticity objection.

17 MS. LEIDHOLDT: Thank you.

18 THE COURT: That wasn't the basis for his rise.

19 MS. LEIDHOLDT: Thank your Honor.

20 BY MS. LEIDHOLDT:

21 Q. Now, Ms. Lee, after you made the police report on May 31st
22 of 2008 and after you visited the medical clinic on June 1st of
23 2008, did you go to Family Court in Singapore in order to
24 obtain a protective order?

25 A. No.

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1 Q. Why not?

2 MR. ARENSTEIN: Objection.

3 THE COURT: Overruled.

4 THE WITNESS: Because we were just newlyweds and --

5 MR. ARENSTEIN: I didn't hear the answer.

6 THE WITNESS: We were newly Wednesdays. We just got
7 married. Then I was pregnant and then I just wanted to give
8 the marriage a chance. I also was so afraid that if I get a
9 personal protection order, and Majid knows about it, then he
10 will beat me further.

11 MR. ARENSTEIN: I didn't hear the answer, your Honor.

12 THE COURT: "And if I get an order of protection,
13 Majid will beat me further," is that what you said?

14 THE WITNESS: Yes.

15 MR. ARENSTEIN: Objection.

16 THE COURT: Basis?

17 MR. ARENSTEIN: It is speculation, your Honor, by the
18 witness.

19 THE COURT: The question was why she didn't do
20 something, and this is the witness's answer.

21 Go ahead, next question.

22 BY MS. LEIDHOLDT:

23 Q. Ms. Lee, very briefly, did there come a time that you
24 returned back into the home that you shared with Mr. Souratgar?

25 A. Yes.

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1 Q. Could you very briefly describe the interaction, if any,
2 you had with Mr. Souratgar after you returned home?

3 A. We did not have any interaction for a couple of months.

4 Q. Then what, if anything, occurred in September of 2008?

5 A. He came back from a trip from Iran, and then I just wanted
6 to know where the relationship was heading because he has not
7 been talking or calling me from Iran for the past few months
8 when he went back.

9 So I asked him, and then he said that everything that
10 happened was my fault. And I told him what about the marriage?
11 He said if you want it to go on, then apologize, which I did.

12 MR. ARENSTEIN: Objection, your Honor. This whole
13 line of testimony seems to me is something that should be in a
14 court in Singapore if there is going to be anything. To have
15 this testimony in this Court, in the federal court which
16 doesn't even hear domestic relations issues, to me is improper.

17 This is not --

18 THE COURT: You stated your objection. Your response?

19 MS. LEIDHOLDT: Yes. Your Honor, Mr. Arenstein has
20 submitted numerous documents that are in evidence that are an
21 effort to show that they're statements from Ms. Lee that
22 contain apologies, and I believe they're intended to show if
23 Ms. Lee was apologizing, then the violence did not occur or
24 perhaps she was the perpetrator of said violence.

25 Because Mr. Arenstein has submitted these documents, I

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1 think it is important that Ms. Lee have the opportunity to
2 address statements that --

3 THE COURT: The objection is overruled. I think this
4 whole line, however, is of marginal relevance, but on the basis
5 on which you have offered it, I will let it stand in testimony.

6 Go ahead, next question.

7 BY MS. LEIDHOLDT:

8 Q. Why did you apologize to Mr. Souratgar, Ms. Lee?

9 A. Because the baby is on the way and I just wanted a complete
10 family for him.

11 Q. Did there come a time that you resigned your employment?

12 A. Yes.

13 Q. When was that?

14 A. June 28.

15 Q. Why did you resign your employment?

16 A. Because Majid has -- since we got married, he has been
17 asking me to quit my job, and he said that a wife should stay
18 at home and look after the house. So I eventually quit the job
19 as something like a peace offering so that our marriage could
20 go on for the sake of the baby.

21 Q. At that point in time did you have savings of your own?

22 A. Yes.

23 Q. Approximately how much money did you have?

24 MR. ARENSTEIN: Your Honor, I will ask the relevance.
25 I object to the relevance of savings of her own.

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1 THE COURT: Yes.

2 MS. LEIDHOLDT: Yes, your Honor.

3 Your Honor, there have been numerous statements,
4 actually there has been testimony by Mr. Souratgar on the stand
5 about my client's savings, that money and resources that she
6 had. For that reason, I think it is important for credibility
7 issues to address them.

8 THE COURT: What was the testimony that was elicited
9 on the petitioner's case? I am not remembering the testimony
10 relating to this individual's, the respondent's assets.

11 MS. LEIDHOLDT: Excuse me.

12 (Off-the-record discussion)

13 MS. LEIDHOLDT: To the best of my recollection, there
14 was testimony that -- and I believe this may also have appeared
15 in petitioner's papers -- that Ms. Lee had an -- actually,
16 there was testimony, our first appearance in court, that
17 Ms. Lee has access to large sums of money and there was
18 testimony about -- withdrawn, your Honor -- that she had large
19 sums of money. Part of this is relevant to issues of
20 credibility.

21 THE COURT: Let me ask you this: Was that testimony
22 relevant that petitioner elicited?

23 MS. LEIDHOLDT: It may not have been relevant, your
24 Honor, but it is part of the record.

25 THE COURT: That is very easy because if it wasn't

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1 relevant, I'll strike it. Would you like me to strike it?

2 MS. LEIDHOLDT: If I may, your Honor, what is I think
3 very relevant here is, your Honor, our expert witness will
4 testify that Mr. Souratgar was subjecting Ms. Lee to a
5 particularly acute form of family violence that impacted
6 profoundly on the child, and it is designated by the experts as
7 variously intimate terrorism and coercive control.

8 A key tactic of abuse by perpetrators of this form of
9 domestic violence is economic control over their victims, and
10 there will be testimony, your Honor, not only did Mr. Souratgar
11 pressure -- one might even use the word force Ms. Lee to
12 terminate her job, but over the next year she was required to
13 deplete her entire life savings of \$40,000.

14 THE COURT: How is that relevant to this case?

15 MS. LEIDHOLDT: Your Honor, I am trying to explain
16 that it is a means --

17 THE COURT: That is what I am asking you.

18 MS. LEIDHOLDT: -- it is a means of economic control.

19 THE COURT: Right. Let's see assume that. How is
20 that relevant to this case?

21 MS. LEIDHOLDT: Because at the core of this case and
22 the core of our defense of grave risk of harm to the child, is
23 that Mr. Souratgar was subjecting our client to a particularly
24 acute form of family violence that started very early on in the
25 relationship.

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1 THE COURT: Let's take that as a given. How is that
2 relevant to this case?

3 MS. LEIDHOLDT: And that this form of violence that
4 has been designated coercive control or intimate terrorism --

5 THE COURT: You are repeating yourself. I am asking
6 you how is it relevant to this case?

7 MS. LEIDHOLDT: I am trying to get there, your Honor.

8 THE COURT: Okay.

9 MS. LEIDHOLDT: It, in fact, escalates once the
10 parties are separated, once the parties are separated and it
11 takes on new forms.

12 THE COURT: Okay. The parties have been separated now
13 since May of 2011. They will never cohabitate under any set of
14 facts that I can observe in the same household ever again.

15 How is this testimony relevant to this proceeding?

16 MS. LEIDHOLDT: Because this form of violence, once
17 the parties are separated, it intensifies, but takes new forms.
18 Once the perpetrator no longer has physical access to the
19 victim in the same way, it takes the forms of --

20 THE COURT: How does granting or denying the petition
21 change anything then?

22 MS. LEIDHOLDT: Because, so the question, of course,
23 is what is going to happen should the child be repatriated to
24 Singapore? That is correct, your Honor, and what would be the
25 grave risk of harm to the subject child in Singapore?

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1 THE COURT: Correct.

2 MS. LEIDHOLDT: Should she be repatriated?

3 Your Honor, we submit that this abuse will continue to
4 take place.

5 Now, should the mother go there or not go there, the
6 father will continue in his efforts to control and dominate
7 Ms. Lee and to exclude her from the child's life, and he
8 will -- and this is family violence, your Honor, that is not
9 only directed towards intimate partners, it is --

10 THE COURT: Let's not talk about plurals and intimate
11 partners. Let's talk about this case.

12 MS. LEIDHOLDT: It is equally directed towards
13 children.

14 THE COURT: Why don't you confine yourself to what has
15 transpired since May 2011 when the parties ceased to
16 cohabitate. Maybe you can explain to me how it would be
17 different if I denied your petition? What would be different
18 if I denied your petition?

19 MS. LEIDHOLDT: Your Honor, is the question what we
20 submit what has transpired after the parties separated in May
21 of 2011 that is relevant to the grave risk of harm analysis?

22 So this is what transpired.

23 THE COURT: No. I said why don't you confine yourself
24 to what has transpired since May. I sat through this hearing
25 and I know what transpired after May 2011, to the extent either

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1 side has developed it in the record so far. My question is why
2 don't you confine yourself to what transpired, which would be
3 perhaps an indicator of future events?

4 MS. LEIDHOLDT: Because, your Honor, it is impossible
5 for your Honor to make a credibility determination because of
6 what we are describing is a course of conduct that escalated
7 over time.

8 THE COURT: You say credibility determination?

9 Assume I find your client credible. The question is,
10 is not the grave risk of harm to her a matter of concern to me
11 as a fellow human being, but perhaps not within my purview as a
12 judge? I am concerned of grave risk of harm of all persons in
13 this courtroom, but my job here is to consider the grave risk
14 of harm to the child.

15 MS. LEIDHOLDT: Yes.

16 THE COURT: Why don't you confine yourself to what
17 evidence you have from May 2011 to the filing of this petition
18 which may be a good predictor of what will happen in the
19 future. That is number one.

20 No. 2, why would that be alleviated? If your theory
21 is correct, how would that be alleviated if I denied your
22 petition?

23 (Continued on next page)
24
25

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Lee - direct

1 MS. LEIDHOLDT: Your Honor, if I may. In order to
2 show the escalation --

3 THE COURT: Deny the petitioner's petition, rather.
4 Go ahead.

5 MS. LEIDHOLDT: I'm sorry, your Honor. If you could
6 give me one minute, please.

7 Your Honor, in order to show the escalation of Mr.
8 Souratgar's violence and its new forms after the parties
9 separated and the harm to Shayan that awaits Shayan should he
10 be returned to Singapore, it is of critical importance to show
11 what took place in this respect before the parties separated.

12 Your Honor, in *Blondin v. Dubois* the harm that the
13 father subjected the two children in that case to in France,
14 really the reign of terror that he exerted over his wife and
15 two children in France was of paramount importance to Judge
16 Chen's ultimate determination that there was a great risk of
17 harm to those children should he be repatriated to France.

18 Similarly, your Honor, in *Elyashiv v. Elyashiv* there
19 was extensive testimony about the father's pattern of control
20 and growing abuse principally to the mother in the presence of
21 the children and also to the children. The decision of Judge
22 Block in that particular case rested on his consideration of
23 the pattern of family violence that was directed against the
24 mother and in that case the three children. I am intimately
25 familiar with that case, your Honor, because Ms. Elyashiv was

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Lee - direct

1 our client. We were very deeply involved in that case.

2 In both of those cases, one of which is controlling
3 precedent, your Honor, there was a history of family violence
4 directed toward the mother and the children. There was some
5 recognition in both cases that the interests of the mother and
6 the children were deeply interconnected because much of the
7 violence took place in the presence of the children and the
8 children operated in an environment of threat and abuse, but
9 also that the perpetrator would certainly continue those very
10 tactics of intimate terrorism, in France in one case, a country
11 that most would consider well equipped to protect domestic
12 violence victims, and the other case in Israel, your Honor.

13 I am attempting to show precisely that, that the
14 violence that was directed towards this child in his home,
15 towards our client in the home of the child and frequently in
16 the presence of the child, started immediately after marriage
17 of the parties and before the pregnancy and escalated and
18 became habitual and was profoundly injurious to Ms. Lee.

19 There will be testimony that she suffers from
20 post-traumatic stress disorder from violence inflicted on her
21 in the presence of the child, and it is highly likely to have
22 already been injurious to the child, although we are talking
23 about a little boy who is not yet 4 years old and it is
24 difficult to make that determination.

25 We submit, your Honor, that the violence, even if the

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Lee - direct

1 parties are separated, even if Ms. Lee stays here, your Honor,
2 we are submitting that Mr. Souratgar is a perpetrator of an
3 acute form of family violence that is profoundly injurious to
4 children and that these tactics that have been directed against
5 him and his mother will continue in Singapore even if this
6 child is permanently separated from his mother.

7 Your Honor, Mr. Souratgar has made repeated statements
8 about both to Ms. Lee and to her sister, who has flown here
9 from Singapore to testify about said statements.

10 THE COURT: I appreciate your endeavoring to answer
11 the first part. What about the second part of the question?

12 MS. LEIDHOLDT: The second part, your Honor -- and
13 please forgive me, this is stressful -- one second, please.

14 THE COURT: Sure. Would you like a recess?

15 MS. LEIDHOLDT: No. My apologies to the Court.

16 Were your Honor to deny the petition, first of all,
17 the legal system here, we submit, is infinitely better equipped
18 to protect Ms. Lee, and, of paramount importance in this case,
19 Shayan. The police response will be entirely different here.
20 In Singapore six police reports, three medical examinations
21 that documented physical injury, two futile efforts to obtain
22 orders of protection from the family court --

23 THE COURT: Let me pause right there. Did Ms. Lee
24 ever get an order of protection out of the family court?

25 MS. LEIDHOLDT: Never.

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Lee - direct

1 THE COURT: She applied for one?

2 MS. LEIDHOLDT: Twice.

3 THE COURT: One was never issued?

4 MS. LEIDHOLDT: Yes.

5 THE COURT: OK.

6 MS. LEIDHOLDT: In addition, your Honor, Ms. Gomez,
7 who is here in court, submitted an affidavit to the family
8 court in Singapore detailing in great specificity all of our
9 allegations about the failings of that court. I had a
10 conversation last night with Ms. Lee's attorney who had
11 represented her in not the protective order cases, because she
12 did not have the funds to hire him to do so, but in the custody
13 case. I asked him how prejudicial would the receipt of said
14 affidavit be by the family court in Singapore, and he said that
15 it would be prejudicial.

16 MR. ARENSTEIN: Your Honor --

17 MS. LEIDHOLDT: Your Honor, I believe that that
18 affidavit will make it exceptionally difficult now. Those
19 statements were completely gratuitous, and the only conclusion
20 one can draw from reading that affidavit that was sent to the
21 court by Ms. Gomez actually after or shortly before this case
22 commenced, is going to make it very, very difficult for Ms. Lee
23 to obtain a fair trial in Singapore.

24 THE COURT: When was the affidavit submitted?

25 MS. LEIDHOLDT: I actually complained to both Mr.

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Lee - direct

1 Arenstein and to Professor Baum --

2 THE COURT: I'm asking, approximately when was it
3 submitted? September, July, November, December?

4 MS. LEIDHOLDT: It would have been submitted in late
5 November of this year or early December of this year, very
6 likely late November, your Honor.

7 THE COURT: I haven't seen any such affidavit.

8 MR. ARENSTEIN: Your Honor, might I respond to that?

9 THE COURT: You may.

10 MR. ARENSTEIN: We sent you a copy of all the letters
11 that were sent to the harmony area, the family harmony, when we
12 requested the documents.

13 THE COURT: If they are not in evidence, I don't know
14 anything about them.

15 MR. ARENSTEIN: We sent you a letter.

16 THE COURT: You may have sent me a letter, but if it
17 is not in evidence, I don't know what you are referring to.
18 I'm not accustomed to reading --

19 MR. ARENSTEIN: There is no affidavit. She is
20 misstating to the Court that there is an affidavit. I have Ms.
21 Gomez here. She can tell you there was no affidavit. She
22 wrote a letter that was very, very derogatory to me and the
23 guardian knows quite what she is talking about.

24 I transmitted documents that were sent to me, that
25 were transmitted to the court of family harmony and also to

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Lee - direct

1 your Honor, asking that you request the documents from the
2 courts in Singapore. That's what happened. I got a nasty
3 letter from Ms. Leidholdt criticizing me. The guardian told me
4 not to write back to her, which I didn't do. But it was very
5 nasty, very derogatory, and it deserved an apology, which I
6 didn't get.

7 There was no affidavit. It was a letter.

8 THE COURT: Please sit down.

9 MR. ARENSTEIN: Mrs. Gomez is here. She is accusing
10 Mrs. Gomez of doing something. Mrs. Gomez is here to tell the
11 Court that she didn't do it.

12 THE COURT: Please sit down.

13 Ms. Leidholdt, I call upon you to produce to me the
14 affidavit which Gomez submitted to the Court in Singapore in
15 the month of November 2012.

16 MS. LEIDHOLDT: I will, your Honor. I think perhaps
17 technically it has numbered paragraphs, so I called it an
18 affidavit. Perhaps "affirmation" or "letter" are other terms
19 that might be used. But I will absolutely bring the letter to
20 your Honor.

21 THE COURT: If it's not an affidavit but a
22 declaration, they are the functional equivalents. If, however,
23 it's neither of those, I think you have some explaining to do,
24 because you have just made this assertion and it's been
25 challenged in this court. You immediately, upon being

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Lee - direct

1 challenged, are now leaving open the possibility that it is not
2 an affidavit, not an affirmation, not a declaration, none of
3 those things.

4 MS. LEIDHOLDT: Your Honor, I believe it to be an
5 affidavit. I will bring it to the Court. Thank you, your
6 Honor.

7 THE COURT: All right.

8 MS. LEIDHOLDT: Your Honor, if I may --

9 THE COURT: When are you going to have that for me?

10 MS. LEIDHOLDT: After lunch.

11 THE COURT: Thank you. And show it to the other side
12 before you hand it up.

13 MS. LEIDHOLDT: I will.

14 THE COURT: Go ahead.

15 MS. LEIDHOLDT: Your Honor, additional problems if
16 your Honor dismisses the petition of the petitioner. She will
17 not have to return to a forum in Singapore, where her
18 citizenship is completely uncertain.

19 Your Honor, you will hear evidence through Ms. Lee
20 that Mr. Souratgar surreptitiously made her and the subject
21 child Iranian citizens and subsequently told the Malaysian
22 authorities that they were Iranian citizens, and the Malaysian
23 authorities commenced a proceeding against Ms. Lee to strip her
24 of her Malaysian citizenship. Your Honor, we have documents
25 that attest to the fact that there have been accusations

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Lee - direct

1 against Ms. Lee of holding dual citizenship in Malaysia and
2 proceedings have commenced to strip her of her Malaysian
3 citizenship.

4 Her Malaysian citizenship is the predicate of her
5 permanent citizenship status in Singapore. In effect, were Mr.
6 Souratgar to succeed, she would have no option, and I have made
7 this representation before previously, your Honor, the only
8 country that she would be able to go to would be Iran.

9 THE COURT: What happens if I deny the petition here?

10 MS. LEIDHOLDT: If you deny the petition, she would
11 stay here. She would stay in the United States.

12 THE COURT: She is eligible to stay in the United
13 States?

14 MS. LEIDHOLDT: Yes, your Honor. Our organization has
15 been evaluating her eligibility for asylum, and we believe that
16 we will be able to establish that she has a well-founded fear
17 of persecution should she be forced to return to either
18 Singapore or Malaysia, and that the governments of both
19 countries are both unwilling or are unwilling or unable to
20 protect her from Mr. Souratgar's violence.

21 THE COURT: Before she entered the United States, my
22 understanding is that the Singapore court had given her
23 temporary custody. Is that correct?

24 MS. LEIDHOLDT: Yes. They had given her temporary
25 custody --

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Lee - direct

1 THE COURT: And they had given the father supervised
2 visitation, is that correct?

3 MS. LEIDHOLDT: Yes, that's correct, your Honor.

4 THE COURT: Why should I be skeptical that the
5 Singapore court wouldn't have given her permanent custody, in
6 which event, if she wanted to, under the circumstances you have
7 laid out, she could have moved to the United States?

8 MS. LEIDHOLDT: Your Honor, there has been a
9 significant change in circumstances since she was granted,
10 albeit temporary, custody. First, the case was then
11 transferred to the Shariah court. I understand that it likely
12 has been transferred back, but it was transferred to the
13 Shariah court. There has been a highly prejudicial letter that
14 has been sent to the court in Singapore, the family court.

15 THE COURT: What is the highly prejudicial letter?

16 MS. LEIDHOLDT: Letter or affidavit, a highly
17 prejudicial document signed by Ms. Gomez.

18 THE COURT: More prejudicial than the finding of
19 contempt?

20 MS. LEIDHOLDT: In some ways I think perhaps it is
21 more prejudicial, your Honor, which I believe your Honor may
22 agree with when you read this document. It's highly, highly
23 prejudicial, I believe.

24 THE COURT: Is it inaccurate?

25 MS. LEIDHOLDT: Pardon?

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Lee - direct

1 THE COURT: It may be highly prejudicial. Is it
2 inaccurate?

3 MS. LEIDHOLDT: It simply quotes liberally statements
4 that we made in our papers about that court's persistent
5 failure to protect the rights of Ms. Lee and to protect her
6 from Mr. Souratgar's violence. We believe the statements are
7 completely accurate but will likely be deeply offensive to the
8 court there and will prejudice her ability to proceed there.

9 Then, your Honor, there is one other matter. After he
10 filed his cross-petition for custody of the subject child in
11 Singapore, Mr. Souratgar filed a parallel action for custody of
12 the subject child in the Shariah court in Malaysia, requiring
13 Ms. Lee to hire an attorney to represent her. He made
14 misrepresentations in his papers to the court there. He
15 claimed that he was living in Malaysia and intended to stay in
16 Malaysia. That action is continuing.

17 Ultimately, Ms. Lee's attorney in Malaysia was able to
18 persuade the court that there was not jurisdiction. He has
19 appealed that denial, and there is a custody proceeding for the
20 subject child, a parallel custody proceeding happening in
21 Malaysia as well. Your Honor, not in any court in Malaysia, in
22 the Shariah court in Malaysia, the Shariah court. That's where
23 he brought his action in Malaysia.

24 Mr. Souratgar has considerable resources, as has been
25 very, very clear. I think bottom line we do not believe that

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Lee - direct

1 Mr. Souratgar will be able to carry out the same campaign or
2 will not be able to carry it out as successfully in the United
3 States as he has been in Singapore and in Malaysia.

4 THE COURT: Next question.

5 MR. ARENSTEIN: Your Honor, I would like to move to
6 strike that entire argument. I haven't had a chance to
7 respond. I don't think it is relevant. I think all the
8 statements are prejudicial to my client. Most of them are Mrs.
9 Leidholdt testifying to the Court about something.

10 THE COURT: If you would like to respond, go ahead.

11 MR. ARENSTEIN: There's quite a bit to respond to.

12 THE COURT: You don't have to respond. I'm just
13 inviting you. If you want to respond, you can respond. It's
14 up to you.

15 MR. ARENSTEIN: All I can tell you is, number one,
16 there is no action pending in Singapore anymore. It's been
17 dismissed. It was dismissed by the court in Malaysia.

18 THE COURT: No, no. The reference was to Malaysia,
19 not Singapore.

20 MR. ARENSTEIN: In Malaysia. My client brought an
21 action because the children were there and she was refusing to
22 let him see the kids. Apparently the court ruled there was no
23 jurisdiction. There was an appeal. The appeal is dismissed.
24 There is no action pending in Malaysia. For her to make that
25 statement is again deceiving the Court.

Ccarsou2

Lee - direct

1 Secondly, it seems to me what I hear here from Ms.
2 Leidholdt is her whole organization is making a big thing about
3 domestic violence being grave risk of danger. I think most of
4 the cases are not so. They are attacking the government of
5 Singapore. The issue of Singapore is such that there are very
6 few, if none, article 20 cases. We have here her spending a
7 huge amount of time on an article 20 argument which I think is
8 specious, and it is not to the level of almost article 11
9 sanctions.

10 In addition, the other day we had this thing, and
11 we're getting a letter from Turkish Airways. My client as
12 never at the airport. That statement that was made here by Ms.
13 Lee's mother and all that is just outrageous. It really shocks
14 the conscience to me what was done in this court, because it
15 was not true.

16 He was not there. There were two visitations, one
17 back to back from the 12th and the 13th. There was no way he
18 could get from the airport all the way up to Kingston back and
19 forth.

20 THE COURT: Mr. Arenstein, you have gone beyond the
21 comments made from the podium this afternoon. Let me continue
22 with the questioning. Go ahead.

23 BY MS. LEIDHOLDT:

24 Q. Ms. Lee, did there come a time that you asked your husband
25 for an allowance?

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Lee - direct

1 A. Yes.

2 Q. Why?

3 A. Because --

4 MR. ARENSTEIN: I'm sorry. I didn't hear the
5 question.

6 THE COURT: Did there come a time that you asked your
7 husband for an allowance. Answer yes.

8 MR. ARENSTEIN: Objection to the relevance of the
9 question.

10 THE COURT: Overruled. Go ahead.

11 A. Because I have bills to pay and I wasn't working, and also
12 I have to buy the basic necessities for the baby. So I asked
13 Majid for an allowance.

14 Q. At the time that you asked him for an allowance, did you
15 have any savings of your own?

16 A. I finished using it.

17 Q. Were you ever employed by Mr. Souratgar? Did you ever work
18 for Mr. Souratgar's company?

19 A. No.

20 Q. Did you ever sign any documents --

21 A. Yes.

22 Q. -- that stated that you were an employee of Mr. Souratgar's
23 company?

24 A. Yes.

25 Q. Why did you do that?

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Lee - direct

1 MR. ARENSTEIN: Objection.

2 THE COURT: Overruled.

3 A. He came home one day and he told me that he need me to
4 pretend to be an employee of his company, but he say that I do
5 not have to go to the office or do any work, I'm supposed to
6 stay home and look after the house and Shayan. So he drew up a
7 contract, an employment contract, and also asked me to fill out
8 his company application form, which I did. I asked him why am
9 I required to do this, and he say it's for accounts purposes.

10 Q. Ms. Lee, could you describe the situation that transpired
11 involving your identity documents and the baby's identity
12 documents in relation to Mr. Souratgar.

13 A. He wants to keep all our documents. It is kept in a safe
14 in his office, which I have no access to.

15 Q. Which documents did he keep in the safe in his office?

16 A. He kept my birth certificate, Shayan's Malaysia and
17 Singapore birth certificate, Shayan's Malaysian passport, our
18 marriage certs.

19 Q. Thank you. When was Shayan born?

20 A. 29 January 2009.

21 Q. Where was Shayan born?

22 THE COURT: Say the date again.

23 THE WITNESS: 29 January.

24 THE COURT: 29 January?

25 THE WITNESS: Yes.

Ccarsou2

Lee - direct

1 THE COURT: Thank you.

2 Q. Of what year?

3 A. 2009.

4 Q. Where was Shayan born?

5 A. In Singapore.

6 Q. Did that make Shayan a citizen of Singapore?

7 A. No.

8 Q. What, if anything, did you and Mr. Souratgar do in
9 reference to Shayan's citizenship?

10 A. We decided that Shayan be a Malaysian citizen. Then we
11 went to the Malaysia high commissioner in Singapore to register
12 his birth and to get the Malaysian citizenship.

13 Q. After Shayan was born, did you return with the baby to your
14 home?

15 A. Yes.

16 Q. What was it like after you brought him back from the
17 hospital in relation to Mr. Souratgar?

18 A. He was basically criticizing everything I do. He didn't
19 like the way I took care of Shayan.

20 Q. Was your mother there for a period of time?

21 A. Yes.

22 Q. What was his reaction to your mother's presence?

23 A. He was also complaining about her.

24 Q. You testified that Mr. Souratgar was criticizing you about
25 how you were taking care of the baby, is that right?

Ccarsou2

Lee - direct

1 MR. ARENSTEIN: Objection to the form of the question.

2 THE COURT: Sustained.

3 Q. Mr. Souratgar, other than criticizing you about how you
4 were taking care of the baby, were there other criticisms that
5 he was directing against you at that time?

6 A. Yes. He was also criticizing the housekeeping.

7 Q. How would he behave when he was criticizing you for the
8 housekeeping?

9 MR. ARENSTEIN: Objection to the form of the question.

10 THE COURT: Overruled.

11 A. He was usually angry, and he would pick on multiple things.
12 For example, the floor mat is not placed properly, the kitchen
13 stove is dirty, things like that.

14 Q. Would you describe his demeanor.

15 THE COURT: Asked and answered.

16 Q. Would you describe the tone of his voice when he was
17 criticizing you.

18 MR. ARENSTEIN: Objection.

19 THE COURT: Overruled.

20 A. He was angry.

21 MR. ARENSTEIN: Objection.

22 THE COURT: Overruled.

23 Q. What, if anything, would he do when he was angry around
24 this time?

25 A. He would shout at me, and if I answer him back, he would

Ccarsou2

Lee - direct

1 start hitting me.

2 Q. What would he shout at you? What would he say to you when
3 he was shouting at you?

4 A. He sometimes called me "stupid," sometimes he called me
5 "bitch," he even called me a prostitute.

6 Q. How often was he calling you "bitch" and "stupid" and
7 "prostitute"?

8 A. Almost every time when we get into an argument.

9 Q. How often was that?

10 A. Two, three times a month.

11 Q. How did Mr. Souratgar treat you physically --

12 THE COURT: During what period of time? Was this
13 throughout the marriage?

14 THE WITNESS: Yes, after Shayan was born.

15 MS. LEIDHOLDT: Your Honor --

16 THE COURT: Excuse me a second.

17 I didn't hear what you said.

18 THE WITNESS: This was before and after Shayan was
19 born.

20 THE COURT: Thank you very much.

21 Q. How did he treat you physically after the baby was born?

22 A. When we get to argue, he would start kicking me, punch me,
23 slap me, hit me on my head.

24 Q. Where was the baby when Mr. Souratgar was abusing you
25 physically?

Ccarsou2

Lee - direct

1 MR. ARENSTEIN: Objection.

2 THE COURT: Let's have an approximate date, time, and
3 place.

4 Q. After the birth of Shayan, while he was still an infant,
5 where was Shayan when Mr. Souratgar was physically abusing you?

6 MR. ARENSTEIN: Objection. Leading.

7 THE COURT: No. Let's get to an incident. When was
8 the first time after the birth of Shayan that your husband
9 kicked or punched you?

10 THE WITNESS: In front of Shayan?

11 THE COURT: Yes.

12 THE WITNESS: It was probably to two to three months
13 old.

14 THE COURT: Two to three months old. Where did this
15 take place?

16 THE WITNESS: At our home.

17 THE COURT: In what room in the house?

18 THE WITNESS: Living room.

19 THE COURT: What time of year was that?

20 THE WITNESS: 2009.

21 THE COURT: I'm sorry?

22 THE WITNESS: 2009.

23 THE COURT: What time of year was it? Was it winter,
24 fall, spring, November, January, August?

25 THE WITNESS: I would say it's probably around March,

Ccarsou2

Lee - direct

1 April.

2 THE COURT: March or April. Go ahead.

3 MS. LEIDHOLDT: I'll direct the witness's attention to
4 a particular time.

5 THE COURT: Thank you.

6 BY MS. LEIDHOLDT:

7 Q. Ms. Lee, I'd like to direct your attention to the end of
8 2009, to a time when you were breastfeeding Shayan in the
9 living room of the home that you shared with Mr. Souratgar. Do
10 you remember an incident that occurred with Mr. Souratgar while
11 you were breastfeeding the baby?

12 A. Yes.

13 Q. Could you please describe what happened.

14 A. It was after dinner. I was feeding Shayan, breastfeeding
15 Shayan in the living room. Majid came out from the kitchen and
16 he started scolding me for the dirty stove. He said that only
17 crazy people cook until the whole stove is dirty. Then I told
18 him that can we ask the helper to clean it up. He say no.

19 THE COURT: Ask who to clean it up?

20 THE WITNESS: Our helper.

21 THE COURT: Is that your maid?

22 THE WITNESS: Yes, our maid.

23 THE COURT: You asked Mr. Souratgar whether the maid
24 could clean this up?

25 THE WITNESS: Yes.

Ccarsou2

Lee - direct

1 THE COURT: Go ahead.

2 A. Then he say no. He say, you are the one who dirtied it, so
3 you go and clean it up. So I told him, OK.

4 Q. Ms. Lee, where was Shayan at the time that you were having
5 this conversation with Mr. Souratgar?

6 A. He was breastfeeding. He was drinking from my breast.

7 Q. Continue, please.

8 A. I told Majid, OK, when Shayan finish, then I will go and
9 clean it up. After which he told me, don't answer me back.

10 And then I just stare at him. I don't know why he got so
11 angry. And then he started hitting me on my shoulder. He
12 struck me a few times on my shoulder, my right shoulder.

13 Q. Where was Shayan as Mr. Souratgar was striking you on your
14 shoulder?

15 A. He was in my arms, drinking.

16 Q. Approximately how much force did Mr. Souratgar use?

17 MR. ARENSTEIN: Objection. Leading.

18 THE COURT: Overruled.

19 Q. How much force did Mr. Souratgar use when he was striking
20 you in the shoulder as you were holding Shayan?

21 MR. ARENSTEIN: Objection to the question, your Honor.

22 THE COURT: Overruled.

23 A. He struck me multiple times on my shoulder, and when he
24 struck, I was like moving back and forth.

25 Q. As you were moving back and forth, approximately how many

Ccarsou2

Lee - direct

1 times, if you recall, did Mr. Souratgar strike you?

2 A. I can't remember exactly how many times, but I know
3 multiple times.

4 Q. Did there come a time that he stopped striking you?

5 A. Yes. I told him to stop. Because of Shayan, I say, you
6 might hit Shayan, so I asked him to stop. But he continue.
7 And then after that I just -- my focus was just to protect
8 Shayan because I didn't want him to get hurt.

9 Q. How old, approximately, was Shayan at this time?

10 A. 11 months.

11 Q. How, if at all, did Shayan react if you were able to
12 notice?

13 MR. ARENSTEIN: Objection.

14 THE COURT: Overruled.

15 A. Shayan was drinking. But when he saw this, he stopped, he
16 stopped drinking, he stopped breastfeeding. He just looked, I
17 mean he just stare at what is happening. I could tell that he
18 was afraid.

19 MR. ARENSTEIN: Objection.

20 THE COURT: Overruled.

21 Q. Was this the only time that Mr. Souratgar physically abused
22 you while you were holding the baby?

23 MR. ARENSTEIN: Objection.

24 THE COURT: We are going to take a lunch break and
25 we'll pick up at 2 o'clock. Thank you all. Have a pleasant

Ccarsou2

Lee - direct

1 lunch.

2 (Luncheon recess)

3
4 AFTERNOON SESSION

5 2:20 p.m.

6 LEE JEN FAIR, resumed.

7 CROSS-EXAMINATION (continued)

8 Q. Ms. Lee, you testified about an incident in which Mr.
9 Souratgar --

10 THE COURT: We moved on from that. You are on to
11 testimony about other incidents.

12 MS. LEIDHOLDT: Yes.

13 THE COURT: Is this to remind me of where we were?

14 MS. LEIDHOLDT: It was to remind our client of where
15 we are, your Honor.

16 THE COURT: Just put your questions to the witness.

17 Q. Was this the only time that Mr. Souratgar physically abused
18 you while you were actually holding Shayan?

19 MR. ARENSTEIN: Objection.

20 THE COURT: Overruled.

21 A. No.

22 Q. I'd like to direct you to an incident that transpired after
23 this incident in the beginning of 2010, when Mr. Souratgar
24 requested that you leave the home. Could you describe what
25 happened.

Ccarsou2

Lee - direct

1 A. He wanted to have Shayan documents --

2 Q. No. I'd like to --

3 THE COURT: "No"? What does that mean, counselor?
4 What does "no" mean?

5 MS. LEIDHOLDT: I think Ms. Lee is describing an
6 incident much --

7 THE COURT: Let me see you at the side bar.

8 (At the side bar)

9 THE COURT: What are you doing?

10 MS. LEIDHOLDT: I'm sorry. She is describing an
11 incident that transpired in 2011. She didn't understand --

12 MR. ARENSTEIN: Let's put this on the record. I can't
13 hear it.

14 MS. LEIDHOLDT: I asked for 2010. I don't think she
15 understood that I said 2010. She is describing an incident
16 that happened much, much later than the incident I'm trying to
17 direct her to.

18 THE COURT: I gather that. This is inappropriate
19 conduct of a member of the bar. You are a member of the bar of
20 this court?

21 MS. LEIDHOLDT: I am, your Honor.

22 THE COURT: It is inappropriate for you to respond to
23 an answer of the witness "no." That's inappropriate.

24 MS. LEIDHOLDT: I'm sorry.

25 (In open court)

Ccarsou2

Lee - direct

1 THE COURT: Next question.

2 BY MS. LEIDHOLDT:

3 Q. Did there come a time, is Lee, when Mr. Souratgar told you
4 that you were a bad wife?

5 A. He tells me that all the time.

6 Q. Did there come a time in the end of 2009 and the beginning
7 of 2010 when Mr. Souratgar became angry at you after telling
8 you that you were a bad wife and instructed you to leave the
9 home?

10 MR. ARENSTEIN: Objection to the question, your Honor.
11 Leading.

12 THE COURT: Sustained.

13 Q. Ms. Lee, you described an incident where Mr. Souratgar
14 struck you as you were holding Shayan. Were there incidents in
15 which Mr. Souratgar pulled Shayan from your arms?

16 MR. ARENSTEIN: Objection.

17 THE COURT: Overruled.

18 A. Yes.

19 Q. Could you describe any incident that you recall in around
20 the end of 2009-beginning of 2010 when Mr. Souratgar pulled
21 Shayan from your arms.

22 A. Yes. We were arguing over some petty household issues.
23 Then it elevated to he asking me to leave the home, because he
24 say that I was a bad wife and I'm a bad mother, too. And he
25 told me that he doesn't need me around anymore, and he asked me

Ccarsou2

Lee - direct

1 to leave the home.

2 At the time I was carrying Shayan, and I told him no,
3 I'm not going to leave the home. I say, Shayan stay here, I
4 stay here. But he insisted that I leave. So after that, he
5 just snatched Shayan away from my arms. I told him, I still
6 refuse to leave. Then he started beating me, he started
7 hitting me on my head. Then he started hitting my back.

8 MR. ARENSTEIN: Move to strike. Not responsive to the
9 question, your Honor.

10 THE COURT: Overruled.

11 Q. What, if anything, happened after he began to beat you on
12 your head and began to beat you on your back during this
13 particular incident that you're detailing?

14 A. Because I didn't want to leave the home, so I just sat
15 down. To protect myself, I just curled --

16 MR. ARENSTEIN: Could we have a time frame on this?

17 THE COURT: Yes.

18 Q. When, approximately, to the best of your recollection, did
19 this particular incident that you are describing now occur?

20 A. End of the year of 2009.

21 Q. Where was Shayan when you curled up on the floor, as you
22 testified?

23 MR. ARENSTEIN: Objection to the characterization.

24 THE COURT: Overruled.

25 A. Majid was carrying him.

Ccarsou2

Lee - direct

1 Q. What, if anything, did Mr. Souratgar do as you were seated
2 on the floor as you just described?

3 A. He continued hitting and kicking me on my back.

4 Q. What, if anything, did you do at that time?

5 A. I just told him to stop, but he wouldn't.

6 Q. How much force did he use as he was kicking you?

7 MR. ARENSTEIN: Objection, your Honor.

8 THE COURT: Overruled.

9 A. He was kicking me hard and hitting me hard. Because after
10 that, when I went up to take a shower, I saw that my back and
11 parts of my body were red, and next few days it developed into
12 bruises.

13 MR. ARENSTEIN: I didn't hear that, your Honor.

14 THE COURT: Read back the answer.

15 (Record read)

16 THE COURT: Thank you.

17 Q. How often was Mr. Souratgar home during the period that you
18 are describing now, the end of 2009 and the beginning of 2010?

19 A. During that period he was in Singapore.

20 Q. Did you make a police report after either of these
21 incidents that you just described, abuse while you were
22 carrying Shayan?

23 A. No.

24 Q. Why didn't you do that?

25 A. Mainly because I didn't want to bring Shayan to the police

Ccarsou2

Lee - direct

1 station and then thereafter to the doctor's practice. And I
2 was also afraid that if Majid finds out, then I be in big
3 trouble.

4 MR. ARENSTEIN: Objection.

5 THE COURT: Overruled.

6 Q. What do you mean when you say in big trouble?

7 A. Because he has threatened to kill me before if he finds out
8 that I ever lodge a police report.

9 MR. ARENSTEIN: Objection.

10 THE COURT: Overruled.

11 Q. Do you recall a specific incident when Mr. Souratgar
12 threatened to kill you?

13 A. Yes.

14 Q. Could you describe that incident, please.

15 MR. ARENSTEIN: Can we have a time and a place and a
16 date, your Honor?

17 THE COURT: Yes.

18 Q. When was that incident, approximately, if you can recall?

19 A. This was back in May 2008. No, sorry. March 2008. It was
20 after the first few times he beat me.

21 MR. ARENSTEIN: I object, your Honor.

22 THE COURT: Overruled.

23 A. I actually told his nephew's girlfriend, Angie, she works
24 in a law firm, and I told her about the domestic violence. She
25 told me that I should lodge a police report and seek --

Ccarsou2

Lee - direct

1 MR. ARENSTEIN: Objection to what she told her.

2 THE COURT: Overruled.

3 A. She told me that I should lodge a police report and seek
4 medical attention, after which she told his nephew and his
5 nephew told Majid. Then Majid, if he caught me --

6 MR. ARENSTEIN: Objection to who told what to who for
7 what was said. Somebody told somebody, somebody told somebody
8 else, that's hearsay.

9 (Continued on next page)

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CCAJSOU3

Fair - direct

1 THE COURT: I'm not understanding which conversation
2 you're objecting to, as to who said what.

3 MR. ARENSTEIN: She is testifying that somebody told
4 her something and said it to somebody else. That is hearsay.

5 THE COURT: That's sustained as to what the third
6 person told somebody else.

7 BY MS. LEIDHOLDT:

8 Q. What ultimately happened during this incident?

9 A. Majid then called me and he told me -- he asked me why did
10 I tell Angie, and then he said that I had caused him
11 embarrassment and then he said that if you ever lodge a police
12 report, I'll kill you.

13 Q. After that first instance in which Mr. Souratgar talked
14 with you about possibly killing you, were there any other
15 incidents in which he threatened to kill you?

16 A. There were multiple incidents. We had a lot of arguments
17 throughout, so there were times when he would just say I'll
18 kill you, go ahead die.

19 MR. ARENSTEIN: Objection. I don't think the answer
20 was responsive to the question, your Honor.

21 THE COURT: Sustained.

22 BY MS. LEIDHOLDT:

23 Q. Were there any other times after this, after the birth of
24 Shayan when Mr. Souratgar threatened to kill you?

25 MR. ARENSTEIN: Asked and answered, your Honor.

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Fair - direct

1 THE COURT: I think it was.

2 MS. LEIDHOLDT: Your Honor, I'll move on.

3 BY MS. LEIDHOLDT:

4 Q. Ms. Lee, how often after the birth of Shayan did
5 Mr. Souratgar subject you to incidents of physical violence?

6 MR. ARENSTEIN: Objection. That is asked and
7 answered, too, your Honor.

8 THE COURT: No. I'll allow it. Go ahead.

9 A. There were multiple times, many times.

10 BY MS. LEIDHOLDT:

11 Q. How often during those incidents was the subject child
12 present?

13 A. I would say most of the times.

14 Q. How, if at all, as Shayan began to get older, let's say in
15 his second year of life, according to your observations, did he
16 react to his father's abuse of you?

17 MR. ARENSTEIN: Objection.

18 THE COURT: Well, I am not going to preclude you from
19 asking a question as you asked before as to what he observed in
20 a particular instance, but in the form you've asked it, the
21 objection is sustained.

22 MR. ARENSTEIN: Thank you.

23 BY MS. LEIDHOLDT:

24 Q. You described an incident in which Mr. Souratgar ordered
25 you to leave the home?

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Fair - direct

1 A. Yes.

2 Q. And you testified pulled the baby out of your arms?

3 A. Yes.

4 MR. ARENSTEIN: Objection --

5 THE COURT: Overruled.

6 MR. ARENSTEIN: -- to the form.

7 BY MS. LEIDHOLDT:

8 Q. Were you able to observe -- how old was Shayan at that
9 period of time, approximately?

10 A. Coming to one year old.

11 Q. How, if at all, did Shayan react during or immediately
12 after that incident to what was transpiring?

13 THE COURT: First of all, do you recall when the
14 incident was?

15 THE WITNESS: It was the end of 2009.

16 THE COURT: Didn't your witness testify to this
17 already?

18 MR. ARENSTEIN: Yes, she did.

19 MS. LEIDHOLDT: There were two incidents she testified
20 about, one when she was breastfeeding the child.

21 THE COURT: Yes.

22 MS. LEIDHOLDT: Another when Mr. Souratgar allegedly
23 pulled the child out of her arms and ordered her to leave the
24 home, and I do not believe that she testified to the child's
25 reaction during or after the second incident.

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1 THE COURT: All right. Go ahead.

2 THE WITNESS: Shayan was frightened. He looked really
3 scared and his face was just blank. He doesn't have any --
4 just stare, just stare and --

5 MR. ARENSTEIN: Objection.

6 THE COURT: Overruled. Thank you. Next question.

7 BY MS. LEIDHOLDT:

8 Q. Now, you heard Mr. Souratgar's testimony in this courtroom
9 that you were repeatedly chasing him with knives and something
10 that he called choppers and that you threw knives at him.

11 Did that occur at any point during the time that you
12 were living with him or even before, during the time you were
13 in a relationship with him?

14 A. No, never.

15 Q. You're aware also, aren't you, of Mr. Souratgar's claims
16 that you would hit and punch yourself and actually physically
17 injure yourself during the course of the relationship? Did you
18 hear that testimony?

19 A. Yes.

20 Q. Did you ever in the course of your relationship with
21 Mr. Souratgar deliberately injure yourself?

22 A. No.

23 Q. When was the first time you learned that Mr. Souratgar was
24 making these kinds of claims that you were throwing knives at
25 him and physically injuring yourself? When did you first learn

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1 about it?

2 A. When I received his affidavit.

3 Q. When was that?

4 A. Somewhere in June 2011.

5 Q. When Mr. Souratgar cursed at you, you testified that he
6 called you bitch?

7 A. Yes.

8 Q. And prostitute?

9 A. Yes.

10 Q. And stupid?

11 A. Yes.

12 Q. Were there any other derogatory words that he used against
13 you while you were living with him after Shayan was born?

14 A. He would call me animal names like pig.

15 Q. Did you ever curse back at him?

16 A. No.

17 Q. Why didn't you curse back at him?

18 A. I wouldn't dare.

19 Q. Ms. Lee, how did Mr. Souratgar treat Shayan, and I'd like
20 to direct your attention to the period after Shayan's early
21 infancy, say from the time he was perhaps 9 months' old and
22 going forward, for the year after, let's say for the year after
23 he was 9 months' old?

24 How did he treat his son?

25 MR. ARENSTEIN: Objection to the relevance of how he

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1 treated his son at that time. Your Honor, I would just like to
2 object to the line of questioning. Ms. Lee hold has been using
3 two cases, and these two cases are really not relevant to this
4 case. They're totally different cases.

5 THE COURT: This is an opportunity to state your
6 objection. State your objection. This is not an opportunity
7 for oral argument. State the basis for your objection.

8 MR. ARENSTEIN: The basis for my objection is this is
9 going far afield from grave risk of danger from Blondin,
10 Elyashiv, or any other case.

11 THE COURT: Overruled. Next question.

12 BY MS. LEIDHOLDT:

13 Q. Would you please answer that question.

14 A. He is basically very dominating with the child. He would
15 scold Shayan when Shayan cries because he says that boys don't
16 cry and that they should shed blood rather than shed tears.

17 He will be very selective of Shayan's toys and he
18 wouldn't allow Shayan to play with any toys that is played by
19 girls, for example, like dolls or cooking or even cooking
20 kitchen set because he said those are for girls to play.

21 Q. It's your testimony that Mr. Souratgar would scold Shayan?

22 A. Yes.

23 Q. What tone of voice did he use when he would scold Shayan?

24 A. In a harsh tone.

25 MR. ARENSTEIN: Your Honor, again I object. This goes

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1 to the issue of maybe a custody proceeding, but it is certainly
2 not proper in this Court.

3 THE COURT: I am taking the testimony subject to a
4 motion to strike. If it is ultimately concluded it is
5 irrelevant, it will not factor into my consideration.

6 BY MS. LEIDHOLDT:

7 Q. When you said he spoke with Shayan, he would scold Shayan
8 at times and spoke in a harsh tone, how loud was his voice when
9 he was scolding Shayan or speaking with Shayan in a harsh tone?

10 A. In a shouting manner.

11 Q. Did Mr. Souratgar say anything about the kind of school he
12 wanted Shayan to go to when he got older?

13 A. Yes.

14 MR. ARENSTEIN: Objection to the relevance.

15 THE COURT: Sustained.

16 MS. LEIDHOLDT: Your Honor, this goes to the issue of
17 whether or not Mr. Souratgar intended to take Shayan to Iran.

18 THE COURT: Why don't you ask that question instead.

19 MS. LEIDHOLDT: I am trying not to make it a leading
20 question.

21 THE COURT: I think I could imagine a form of the
22 question which would not be leading just as your response to
23 the objection was suggestive, but go ahead.

24 BY MS. LEIDHOLDT:

25 Q. Didn't Mr. Souratgar make a statement to you about the

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Fair - direct

1 school that he wanted Shayan to attend when he got older that
2 caused you to concern?

3 THE COURT: I think I sustained an objection to that
4 question.

5 MS. LEIDHOLDT: I didn't --

6 (Off-the-record discussion)

7 BY MS. LEIDHOLDT:

8 Q. Did Mr. Souratgar make statements about sending Shayan to a
9 school in a future date that caused you concern that he would
10 take Shayan to Iran?

11 MR. ARENSTEIN: Objection.

12 THE COURT: Yes.

13 MR. ARENSTEIN: That is leading.

14 THE COURT: That is really leading.

15 MS. LEIDHOLDT: I am trying --

16 THE COURT: I know what you're trying to do. It is
17 easily accomplished, but you haven't done it so far. If that
18 is not a leading question -- withdrawn.

19 Go ahead, ask a question.

20 BY MS. LEIDHOLDT:

21 Q. What, if at all, did Mr. Souratgar say to you about sending
22 Shayan to a particular kind of school when Shayan was older?

23 MR. ARENSTEIN: Objection.

24 THE COURT: Sustained.

25 BY MS. LEIDHOLDT:

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1 Q. Did Mr. Souratgar ever make any statements about taking
2 Shayan to Iran?

3 MR. ARENSTEIN: Objection.

4 THE COURT: Overruled. That is not a leading
5 question.

6 A. Yes.

7 Q. What did he say at this time?

8 A. He say he.

9 MR. ARENSTEIN: At which time, your Honor?

10 THE COURT: At the time of this conversation. Let's
11 fix a time and place. When was the conversation, ma'am?

12 THE WITNESS: Sometime in the year 2010.

13 THE COURT: Thank you. You don't recall when in 2010,
14 to the best -- can you approximate the month or the season of
15 the year?

16 THE WITNESS: I would say probably mid, midyear.

17 THE COURT: Okay.

18 BY MS. LEIDHOLDT:

19 Q. What, if anything, did he say in the middle part of 2010
20 about taking Shayan to Iran?

21 A. He said that he wanted to relocate back to Iran and he
22 wanted me and Shayan to follow him, and I told him that, you
23 know, I think the education over there is not as good as the
24 one in other countries, and he said that no, he said I want to
25 put Shayan in a military school in Iran.

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1 THE COURT: In a what school?

2 THE WITNESS: Military. Then I wasn't agreeable with
3 him at all.

4 BY MS. LEIDHOLDT:

5 Q. Did Mr. Souratgar make statements to Shayan about Americans
6 and Israelis?

7 MR. ARENSTEIN: Objection; leading question and not
8 only -- I don't see the relevance. Inflammatory as well.

9 THE COURT: Yes. I think it probably is, but I'm
10 going to allow it. Go ahead, subject to a motion to strike.

11 A. Yes, there are many times when he was watching the news and
12 Shayan sometimes is sitting on his lap. He will -- and there
13 is news about the Iranians and the Syrian war, and he will tell
14 Shayan, you see, the Americans are bad. When you grow up, you
15 have to kill them. Then he said the Syrian people, they're
16 fighting with Israelis who are trying to take over their land
17 and things like that. He told him, when you grow up, you have
18 to kill them or bomb them.

19 MR. ARENSTEIN: Objection.

20 THE COURT: Ms. Leidholdt, what is the relevance of
21 this?

22 MS. LEIDHOLDT: Your Honor, the relevance is, it
23 appears Mr. Souratgar --

24 THE COURT: Sit down, sir.

25 MS. LEIDHOLDT: -- was engaged in a campaign to

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Fair - direct

1 indoctrinate Shayan and instill in him bigoted and hostile and
2 even racist attitudes towards Americans and Jewish people, and
3 there were many statements, upon information and belief, that
4 were made to the children.

5 THE COURT: No. I am talking about the testimony that
6 was just elicited. I am not talking about some other
7 testimony. I am talking about the testimony that just came out
8 of the mouth of the witness. Confine your comments to that.

9 MS. LEIDHOLDT: So, your Honor, this is an indication
10 of that.

11 THE COURT: Of racism? What was the racist statement?

12 MS. LEIDHOLDT: Instilling hatred towards Americans
13 and hatred towards Israelis.

14 THE COURT: And?

15 MS. LEIDHOLDT: And stating violent, you have to kill
16 them when you grow up, you need to kill them. That would be
17 indoctrinating the child.

18 Your Honor, we believe this is a form of psychological
19 abuse of the child that Mr. Souratgar was subjecting him to in
20 his home from the time he was a baby.

21 THE COURT: No. Does it make any difference whether
22 it is an Iranian saying this about Americans or an American
23 father saying it about Iranians?

24 Would it make any difference?

25 MS. LEIDHOLDT: To tell the child when you go up, you

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1 need to kill these people, I think it would be equally harmful
2 to a child to be told that whether the focus is Americans or
3 Iranians or any group of people.

4 THE COURT: Then would be what, detrimental? This is
5 not a custody case, ma'am.

6 MS. LEIDHOLDT: I do, your Honor, understand, but it
7 is seriously detrimental to a child to be told when you grow
8 up, you need to kill these people; when you grow up, you need
9 to kill these people. I think it is a form of psychological
10 abuse of a child.

11 THE COURT: Okay. How about, "When you grow up,
12 you'll likely have to go to war with these people?"

13 MS. LEIDHOLDT: That is perhaps more borderline.

14 THE COURT: How about sending a child to military
15 school?

16 MS. LEIDHOLDT: I wouldn't call that the same thing --
17 the point of that -- I wouldn't call that the same thing,
18 sending a child to military school is the same thing, but
19 telling a small child you need to kill people, I think that it
20 is -- and we'll have a clinical psychologist who would be able
21 to testify about the significance of that and whether, in fact,
22 that is a form of psychological abuse.

23 THE COURT: As distinguished from bad parenting or
24 evil-mindedness?

25 MS. LEIDHOLDT: Yes, your Honor, as distinguished from

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1 bad parenting.

2 THE COURT: What is the difference between bad
3 parenting and abuse?

4 MS. LEIDHOLDT: All forms, negligent parenting, not
5 spending time, there are many different forms of parenting that
6 can be bad. Abusive parenting is, I believe, your Honor, a
7 different phenomenon, and it would include verbal abuse, but
8 saying to a child -- and this is one instance -- but over and
9 over again from the time the child is quite small that you need
10 to kill people, and there will be more testimony about
11 statements that Mr. Souratgar made.

12 THE COURT: Now, correct me, I may be misremembering
13 the facts, but the facts as I understand it as of the date of
14 the mother's taking of the child out of Singapore, the
15 Singapore court had given the mother temporary custody and had
16 supervised visitation by the father.

17 Do I have that right or wrong?

18 MS. LEIDHOLDT: That's correct, your Honor.

19 THE COURT: Next question, please.

20 MR. ARENSTEIN: Your Honor, I would move to strike
21 that part of the testimony.

22 THE COURT: Overruled.

23 BY MS. LEIDHOLDT:

24 Q. Did Mr. Souratgar make statements directly to Shayan about
25 Jewish people that caused you concern?

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1 MR. ARENSTEIN: Objection; asked and answered.

2 THE COURT: Overruled.

3 A. He constantly poked fun at the Jewish people.

4 Q. What did he say specifically, if you recall?

5 A. He said that they were greedy, and why they have big
6 nostrils is to suck up all the air.

7 MR. ARENSTEIN: Objection to relevance again, your
8 Honor.

9 THE COURT: Well, that remains to be seen. I will
10 allow the testimony to stand for now.

11 BY MS. LEIDHOLDT:

12 Q. Ms. Lee, would you please describe your sexual relationship
13 with Mr. Souratgar.

14 A. From the start?

15 Q. After the birth of Shayan?

16 A. I --

17 MR. ARENSTEIN: Objection to the relevance.

18 THE COURT: You are a little late in objecting this
19 time, but I think it is of marginal relevance, but with the
20 time-frame narrowed and the fact it was covered on direct, I'll
21 let the testimony come in subject to a motion to strike.

22 MR. ARENSTEIN: Thank you.

23 THE COURT: I think both sides have gotten into
24 enormous amounts of irrelevancies in the course of this
25 proceeding, treating it as if this Court is going to decide

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1 custody of this child, visitation or who is the better parent
2 or what country the child should be raised in, none of which
3 are before me.

4 If this Court denies the petition, the question of
5 custody, if it were decided by a New York court, could include
6 that the child go back to Singapore. If I grant the petition,
7 the determination of a court in Singapore could be a direction
8 that the child come to the United States. This is at the
9 moment really a question that is focused on which court will
10 hear this. I have overruled it.

11 Go ahead, next question.

12 BY MS. LEIDHOLDT:

13 Q. Will you describe your sexual relationship with
14 Mr. Souratgar as it took place in the presence of the subject
15 child Shayan.

16 MR. ARENSTEIN: I would like a time-frame, your Honor.

17 THE COURT: Please.

18 BY MS. LEIDHOLDT:

19 Q. During the first two and a half years of Shayan's life?

20 A. He was very rough.

21 Q. When you say "he," who do you mean?

22 A. Majid.

23 Q. Yes.

24 A. And there were many times that I totally -- actually, I
25 don't enjoy having sex with him at all because he's rough, he

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1 would make me do things that I don't want to, and he will
2 physically hit and slap me and beat me, pull my hair during
3 sexual intercourse.

4 He knows that I suffer from hemorrhoids and it became
5 worse after I gave birth to Shayan, and there were times after
6 he withdraw from my anal, he would force me to perform oral
7 sex.

8 Q. Where was Shayan while this was happening?

9 A. Shayan is at the side, in his crib at the side of the bed.

10 Q. How, if at all, did you resist when Mr. Souratgar was doing
11 these things to you?

12 A. I told him many times no, I say that Shayan might witness
13 these things and I say stop.

14 MR. ARENSTEIN: I didn't hear the answer to that.

15 THE COURT: Keep your voice up. Mr. Reporter.

16 (Record read).

17 THE COURT: Thank you.

18 MR. ARENSTEIN: Thank you.

19 BY MS. LEIDHOLDT:

20 Q. You testified you had a physical condition that made anal
21 intercourse painful?

22 A. Yes.

23 MR. ARENSTEIN: Objection.

24 THE COURT: Oh, you know, I am going to take it
25 subject to a motion to strike. Ms. Leidholdt is of the view

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1 this is relevant to this proceeding. I am going to let her
2 offer this evidence subject to a motion to strike.

3 MR. ARENSTEIN: Thank you, your Honor.

4 BY MS. LEIDHOLDT:

5 Q. Did this deter Mr. Souratgar from insisting on this kind of
6 sexual --

7 MR. ARENSTEIN: Objection. It is a leading question,
8 your Honor.

9 THE COURT: Sustained. Watch your demeanor, Mr.
10 Arenstein, okay?

11 MR. ARENSTEIN: I am frustrated.

12 THE COURT: I don't need the commentary, Mr.
13 Arenstein.

14 BY MS. LEIDHOLDT:

15 Q. Did Mr. Souratgar make you say things that you felt
16 uncomfortable saying during your sexual activity?

17 MR. ARENSTEIN: Objection.

18 THE COURT: Overruled.

19 A. Yes.

20 Q. What kinds of things?

21 A. Things like fuck me, suck me, I'm coming.

22 Q. Did Mr. Souratgar want you to say things like this to him
23 when he was traveling?

24 MR. ARENSTEIN: Objection.

25 THE COURT: Yes, you are so way, way untethered from

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1 the mark, Ms. Leidholdt, that that objection is sustained.

2 I caution you once again to confine yourself to
3 matters that are relevant to this proceeding.

4 BY MS. LEIDHOLDT:

5 Q. Ms. Lee, why did Shayan sleep next to the marital bed?

6 A. Because he doesn't have his own room and also to facilitate
7 breastfeeding.

8 MR. ARENSTEIN: I didn't hear that.

9 THE COURT: "Because he doesn't have his own room and
10 also to facilitate breastfeeding."

11 Mr. Arenstein, if you would like to move your chair
12 forward, you're free to do that.

13 MR. ARENSTEIN: Thank you. I will.

14 BY MS. LEIDHOLDT:

15 Q. Did Shayan ever move into his own room while you and Shayan
16 were living with Mr. Souratgar?

17 A. No.

18 Q. Did you take any steps to try to prevent the sexual abuse
19 that Shayan was being exposed to in the marital bed?

20 MR. ARENSTEIN: Objection to the form.

21 THE COURT: Sustained as to form.

22 BY MS. LEIDHOLDT:

23 Q. What steps, if any, did you take to stop Shayan from
24 witnessing what was happening in the marital bedroom?

25 MR. ARENSTEIN: Objection.

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1 THE COURT: Overruled.

2 A. Sometimes I will just remain, breastfeed Shayan and then I
3 put him -- I would put him in the crib and I would come back
4 downstairs -- I stayed in the living room and probably watch
5 Korean drama.

6 THE COURT: What kind of drama?

7 THE WITNESS: Korean.

8 THE COURT: Ms. Leidholdt, what is the relevance of
9 this testimony, of your question and the answer that followed?

10 MS. LEIDHOLDT: The relevance is whether or not
11 Ms. Lee took any steps to prevent her child from being exposed
12 to the specter of sexual abuse with her.

13 THE COURT: I understand that is why you're eliciting.
14 Why is that relevant?

15 MS. LEIDHOLDT: Your Honor, I agree it is of marginal
16 relevance and I will withdraw that question.

17 THE COURT: All right. The last question and answer
18 is stricken. Next question.

19 BY MS. LEIDHOLDT:

20 Q. After you --

21 THE COURT: I had just cautioned you, so please keep
22 the caution in mind.

23 MS. LEIDHOLDT: Yes.

24 BY MS. LEIDHOLDT:

25 Q. -- after you married Mr. Souratgar, were you free to travel

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1 or to socialize with friends outside of the marital home --

2 MR. ARENSTEIN: Objection.

3 Q. -- or inside the marital home, for that matter?

4 MR. ARENSTEIN: Objection.

5 THE COURT: Overruled.

6 A. He doesn't like me to go out or even make calls to my
7 friends, so each time if I need to go out, I went to visit my
8 family, I have to ask him for permission.

9 THE COURT: This ended when you moved out in May 2011?

10 THE WITNESS: Yes.

11 THE COURT: Thank you. Next question.

12 BY MS. LEIDHOLDT:

13 Q. What, if anything, did Mr. Souratgar instruct you about
14 obedience and wives and obedience in particular?

15 MR. ARENSTEIN: A time and framework, your Honor.

16 THE COURT: Yes.

17 BY MS. LEIDHOLDT:

18 Q. Did Mr. Souratgar make any statements to you about wives
19 and obedience.

20 MR. ARENSTEIN: Objection, your Honor. I asked for
21 time and frame.

22 MS. LEIDHOLDT: I am going to try to focus a time and
23 frame once he establishes --

24 THE COURT: I am not sure where we're going with this.

25 In this country, there are many Americans who have

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1 been married with a vow of obedience, is that not correct?

2 Those are lawful vows in this country even in 2012,
3 correct?

4 MS. LEIDHOLDT: Yes, that's correct, your Honor.

5 THE COURT: Where are we going with this?

6 MS. LEIDHOLDT: Your Honor, I believe it goes to a
7 pattern of psychological abuse.

8 THE COURT: Okay. So a spouse who in 2008 or 9 takes
9 a vow of obedience would be, that would be a step in the path
10 towards psychological abuse?

11 MS. LEIDHOLDT: I think it would be what a spouse did
12 with the spouse's vow of obedience.

13 THE COURT: Okay. Go ahead, I'll allow the question.
14 BY MS. LEIDHOLDT:

15 Q. What, if anything, did Mr. Souratgar tell you?

16 A. He said that a wife should listen to her husband and not
17 answer him back and be submissive to him.

18 Q. Did there come a time Mr. Souratgar wanted to take you and
19 Shayan to Malaysia?

20 A. Yes.

21 Q. When was this?

22 A. This was in March 2009.

23 Q. Why did Mr. Souratgar want to go to Malaysia?

24 A. He said that he wanted to apply for multiple entry visas to
25 Malaysia and to register our marriage with the Iranian

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1 consulate as well as Shayan both.

2 Q. Did you go to the Iranian consulate in Malaysia with
3 Mr. Souratgar and with your son?

4 A. Yes.

5 Q. Is there an Iranian embassy or Iranian consulate in
6 Singapore?

7 A. No.

8 Q. What, if anything, did you do to prepare for the visit to
9 the Iranian consulate in Malaysia?

10 A. He asked me to take a passport size photo for myself and
11 Shayan and he told me that I have to wear a head scarf because
12 this is the dress code of Iran for a woman.

13 Q. Did he explain why he wanted you to take a passport size
14 photo of yourself and Shayan?

15 MR. ARENSTEIN: Objection.

16 THE COURT: Overruled.

17 A. He said it was to submit together with the forms he needs
18 to fill out.

19 Q. For what purpose?

20 A. For the marriage registration.

21 Q. Did there come a time you and Mr. Souratgar and Shayan
22 actually went to -- withdrawn -- come a time you and
23 Mr. Souratgar subsequently went to the Iranian consulate in
24 Malaysia?

25 A. Yes.

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1 Q. What, if anything, transpired once you were there?

2 A. When we go in, he was greeted at the reception and then a
3 lady came out to escort us into a guest room and over there.

4 We were given special treatments, we were served tea
5 and snacks. Then later a gentleman, I believe he is a
6 diplomat, he came out and he was beginning -- they shook hands
7 and then he started speaking, after which the lady returned
8 with some forms to fill out, and then Mr. Souratgar filled out
9 the forms.

10 Q. What, if anything, happened after Mr. Souratgar filled out
11 the form?

12 A. He asked me to sign and put a thumbprint and then he
13 returned the forms to the gentleman together with the
14 photograph.

15 Q. What, if anything, transpired -- withdrawn -- what did you
16 believe was happening at the Iranian consulate, to the best of
17 your understanding?

18 MR. ARENSTEIN: Objection. We have two questions
19 before the witness. What, if anything, transpired and a second
20 question. I am not sure which one she is asking the witness.

21 THE COURT: The first one is withdrawn and the second
22 one was pending.

23 BY MS. LEIDHOLDT:

24 Q. What was your understanding, Ms. Lee, of what was happening
25 during that visit with Mr. Souratgar at the Iranian consulate

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1 in Malaysia?

2 A. He told me it was to register our marriage and to register
3 Shayan both.

4 Q. Did you return to the Iranian consulate in Malaysia
5 approximately two weeks later?

6 A. Yes.

7 Q. What, if anything, happened then?

8 A. We reached there and the same thing, he came out and
9 greeted us, took us to the room and he told -- the same
10 gentleman came out with a file, and then he passed some
11 documents to Majid and at the same time there was a passport,
12 and then Majid flipped it open so I saw the photograph of
13 Shayan.

14 MR. ARENSTEIN: Objection to the answer not being
15 responsive to the question.

16 THE COURT: I'll let it stand.

17 BY MS. LEIDHOLDT:

18 Q. What was your reaction to seeing a photograph of Shayan on
19 the passport?

20 A. I was shocked and I was so very worried because this was
21 not what Majid told me we were going to do. He told me he was
22 going to register them both in our marriage.

23 THE COURT: At that point you knew he had obtained a
24 passport?

25 THE WITNESS: Yes.

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1 THE COURT: Now, correct me or help me out here. You
2 met Mr. Souratgar in Malaysia or in Singapore?

3 THE WITNESS: Singapore.

4 THE COURT: You met him in 1995, right?

5 THE WITNESS: Yes.

6 THE COURT: Did you know he was Iranian?

7 THE WITNESS: Yes.

8 THE COURT: Thank you. Next question.

9 BY MS. LEIDHOLDT:

10 Q. It is your testimony that you were shocked when you saw a
11 passport with Shayan's picture on it in the Iranian consulate?

12 A. Yes.

13 THE COURT: Stricken. Asked and answered. What are
14 you doing, reiterating the testimony?

15 MS. LEIDHOLDT: No. I am trying to move on to another
16 question.

17 THE COURT: That is not how you move on to another
18 question, by reiterating the testimony.

19 BY MS. LEIDHOLDT:

20 Q. Could there be a legal problem in Malaysia that could be
21 created by Shayan having an Iranian passport?

22 MR. ARENSTEIN: Objection, your Honor. She is not a
23 lawyer, and I don't think she can testify to that. Frankly, we
24 have already researched that issue and I think what you heard
25 from counsel is not the law, and we have the law here.

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1 THE COURT: I'll allow the witness to testify to what
2 her understanding is.

3 THE WITNESS: Yes. In Malaysia, the citizens are not
4 allowed to have dual citizenship. If the citizen is found out
5 to have two, hold two citizenships, they will revoke the
6 Malaysia one.

7 BY MS. LEIDHOLDT:

8 Q. Did you have a conversation with Mr. Souratgar after you
9 saw the passport with Shayan's photograph on it?

10 A. Yes, I asked him why did he get a passport for Shayan
11 because I say if the Malaysia government finds out, then they
12 might revoke his Malaysian citizenship. He just told me to
13 keep quiet and don't ask so many questions.

14 Q. What were your concerns, if any, at this time about the
15 potentiality of Mr. Souratgar taking Shayan to Iran?

16 MR. ARENSTEIN: Objection.

17 THE COURT: Sustained.

18 BY MS. LEIDHOLDT:

19 Q. Were there any other incidents in 2009 that caused you
20 concern that Mr. Souratgar was intending to take Shayan to
21 Iran?

22 A. He had said that he wanted to -- he was always wanting to
23 bring Shayan to Iran.

24 MR. ARENSTEIN: Objection.

25 THE COURT: Overruled.

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1 BY MS. LEIDHOLDT:

2 Q. Was there anything about Mr. Souratgar's treatment of you
3 at this time that contributed to your concern that he was
4 planning to take Shayan to Iran?

5 A. He started asking me the kind of -- to take over some
6 duties. He started taking over these. He asked for the food
7 that Shayan eats and he asked me to stop breastfeeding.

8 THE COURT: Pause. Ma'am, Ms. Lee, you are going to
9 have speak slowly and distinctly so our Court Reporter can take
10 down the words you're speaking. Do you understand?

11 THE WITNESS: Yes.

12 THE COURT: Next question.

13 BY MS. LEIDHOLDT:

14 Q. Did Mr. Souratgar make statements about your mothering of
15 Shayan that caused you concern about this issue about a desire
16 to take Shayan to Iran?

17 MR. ARENSTEIN: Objection, your Honor, to the form of
18 the question.

19 THE COURT: Sustained.

20 BY MS. LEIDHOLDT:

21 Q. What kinds of statements was Mr. Souratgar making about
22 your mothering at this time that caused you concern?

23 MR. ARENSTEIN: Objection. This was asked and
24 answered.

25 THE COURT: Overruled.

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1 A. He constantly said I'm a bad mother. That Shayan doesn't
2 need a mother like me and that his sister would be a better
3 mother to Shayan.

4 Q. Where was Mr. Souratgar's sister at this time?

5 A. In Iran.

6 Q. You described an incident earlier where Mr. Souratgar told
7 you to leave the house. Was that the only time that
8 Mr. Souratgar ordered you out of the home?

9 A. No. There were other occasions.

10 Q. How often did he tell you you had to leave the home?

11 MR. ARENSTEIN: Objection. Time and place and when.

12 THE COURT: Yes, fix a time.

13 BY MS. LEIDHOLDT:

14 Q. Do you remember approximately when those other occasions
15 were when he ordered you to leave the home?

16 A. There were many. There are a few occasions. I really
17 can't put a date because every time we argued, then he asked me
18 to leave the house.

19 THE COURT: So this, when you said that you argued two
20 to three times a month, in each of those instances he would ask
21 you to leave the house. Is that correct?

22 THE WITNESS: Not every single one.

23 THE COURT: Well, is it most of them?

24 THE WITNESS: I would say 50 percent.

25 THE COURT: 50 percent of those he asked you to leave

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1 the house?

2 THE WITNESS: Yes.

3 THE COURT: In how many instances did you leave the
4 house?

5 THE WITNESS: I never left the house after Shayan was
6 born.

7 THE COURT: Thank you. Next question.

8 BY MS. LEIDHOLDT:

9 Q. Why didn't you leave the house after Shayan was born?

10 MR. ARENSTEIN: Objection.

11 THE COURT: Overruled.

12 A. Because there was no one to take care of Shayan then.

13 Q. Did you take any steps at the end of 2009 to try to prevent
14 Mr. Souratgar from taking Shayan to Iran?

15 MR. ARENSTEIN: Objection.

16 THE COURT: Overruled.

17 A. Yes. After one trip, I managed to get hold of Shayan's
18 passport and birth certificate.

19 Q. How did you get that?

20 A. I told Majid I wanted to register him in a play group for a
21 nursery.

22 THE COURT: A what?

23 THE WITNESS: Nursery.

24 THE COURT: In a what?

25 THE WITNESS: Nursery.

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1 THE COURT: Nursery?

2 THE WITNESS: Yes.

3 THE COURT: Thank you.

4 THE WITNESS: And after that when I got a hold of the
5 documents, I actually kept them at a friend's house.

6 BY MS. LEIDHOLDT:

7 Q. What was Mr. Souratgar's response to holding onto Shayan's
8 documents?

9 A. He kept asking me have I registered Shayan, and he wanted
10 them back.

11 THE COURT: Shayan held only an Iranian passport and
12 no other; is that your testimony?

13 THE WITNESS: No. Malaysia. I don't have Shayan's
14 Iranian passport with me. It is only Malaysia passport.

15 THE COURT: At the time you're describing with the
16 nursery, which passport did you obtain from your husband?

17 THE WITNESS: The Malaysian.

18 THE COURT: Pardon me?

19 THE WITNESS: The Malaysian.

20 THE COURT: There was, in addition to that, the
21 Iranian passport, correct?

22 THE WITNESS: Yes.

23 THE COURT: Next question.

24 BY MS. LEIDHOLDT:

25 Q. At the beginning of the Year 2010, did Mr. Souratgar make

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1 any statements about Shayan that alarmed you?

2 A. Sorry. Could you repeat it.

3 Q. At the beginning of the Year 2010, specifically on January
4 1st of 2010, did Mr. Souratgar make a statement about Shayan
5 that alarmed you?

6 A. He wanted Shayan's documents back.

7 Q. Did he explain why he wanted Shayan's documents back?

8 A. He said he wants to keep it in his office.

9 Q. What, if anything, happened four days later, on January 5th
10 of 2010, at approximately 9:00 pm?

11 A. He --

12 Q. Who is "he"?

13 A. Mr. Majid asked me for Shayan's documents, and then I
14 refused to give it to him because it was at my friends' place.
15 So he ransacked my whole wardrobe and he took out, threw out
16 all my clothes onto the floor.

17 He overturned all the drawers in my wardrobe and then
18 he couldn't find the documents, so he insists that I sit on the
19 bed in the bedroom, and he didn't let me go out from the room
20 till he finds the document.

21 Q. Did Mr. Souratgar make any statements to you at that time?

22 A. He said that if he can't get hold of the documents tonight,
23 he will kill me.

24 Q. How, if at all -- what, if anything, did you do after he
25 made that statement to you he would kill you if he didn't get

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1 the documents that night?

2 A. I knew he couldn't get the documents because it was at my
3 friend's place, so I was very, very frightened. So I just told
4 him that I needed go downstairs to get some water from the
5 kitchen for Shayan.

6 Q. Did he let you do that?

7 A. At first, no, but then I told him Shayan needs to drink
8 water, so he said okay. So I carried Shayan down to the
9 kitchen and then I took my car keys and my handbag and Iran out
10 of the house.

11 Q. What, if anything, did you do after you, immediately after
12 you left your house with your handbag and your car keys?

13 A. I was running towards my car, but he managed to catch up
14 with me, Majid managed to catch up with me, so I ran towards a
15 neighbor who lives opposite and asked him for help.

16 But then Majid came over and told the neighbor that
17 this is a husband and wife issue and asked him not to
18 interfere.

19 Q. Why did you ask the neighbor for help?

20 A. He was the only one standing on the street. I was so
21 frightened.

22 Q. What, if anything, happened then?

23 A. Then Majid took, grabbed my hand and he pulled me back into
24 the house.

25 Q. What, if anything, occurred as Majid was pulling you back

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1 into the house?

2 A. I tried to resist.

3 Q. How did he respond to your efforts to resist?

4 A. He kept, continued dragging me in and he started to hit me.

5 Q. Where was Shayan at that time?

6 A. I was carrying Shayan.

7 Q. What, if anything, happened then?

8 A. Then he managed to pull me back into the house, in which he
9 continued to beat me.

10 Q. Did there come a time that he dragged you into the living
11 room of the house?

12 A. Yes.

13 Q. What, if anything, happened there?

14 A. He demanded for the documents and then he wanted to beat me
15 again, but his brother who came downstairs stopped him.

16 Q. Did you then have a conversation with his brother?

17 A. No. He spoke to his brother in Iranian, I don't know what
18 they were saying, but after that his brother told me that --

19 MR. ARENSTEIN: Objection to what his brother told
20 him.

21 THE COURT: Overruled.

22 A. His brother said that just return the documents to Majid
23 and then everything will be okay.

24 Q. What happened then?

25 A. And then I just said okay and I said I would return it to

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1 him tomorrow.

2 Then Majid say that if he doesn't see them on the
3 dinner table when he gets back from work the next day, I will
4 be in big trouble.

5 Q. Did there come a time shortly thereafter you returned to
6 your bedroom in your home?

7 A. Yes.

8 Q. Could you describe what happened there.

9 A. I --

10 Q. What did the bedroom look like?

11 A. All my clothes, you know, my belongings were all over the
12 floor, so I went downstairs and asked maid to help me put back
13 everything.

14 Q. What happened then?

15 A. And then while she was helping me to put back all my
16 belongings into my wardrobe, she started crying and said she
17 was so frightened.

18 THE COURT: Who started crying?

19 THE WITNESS: The maid.

20 MR. ARENSTEIN: Objection to strike.

21 THE COURT: Overruled.

22 BY MS. LEIDHOLDT:

23 Q. Did you have the opportunity to look at your body that
24 night?

25 A. Yes, later that night when I used the bathroom, I saw some

CCAJSOU3

Fair - direct

1 red marks on my arms.

2 Q. How did you feel after -- how did your body feel after that
3 incident earlier?

4 MR. ARENSTEIN: Objection.

5 THE COURT: Basis?

6 MR. ARENSTEIN: The relevance of how her body felt,
7 the whole scenario of the maid, it is not relevant to --

8 THE COURT: It is not a scenario of the maid. The
9 question is how did her body feel in connection with the
10 interaction with Mr. Souratgar. You may answer the question.

11 THE WITNESS: My body was aching and painful.

12 BY MS. LEIDHOLDT:

13 Q. What, if anything, did you do the next morning?

14 A. The next morning I went out to lodge a police report as
15 well as to see a doctor.

16 Q. Did you take anyone with you when you lodged the police
17 report?

18 A. Yes, I had no choice but to bring Shayan and the maid
19 along.

20 MR. ARENSTEIN: I didn't hear that answer.

21 THE COURT: I had no choice but to bring Shayan and?

22 THE WITNESS: The maid along.

23 THE COURT: The maid? Thank you.

24 MR. ARENSTEIN: Thank you.

25 BY MS. LEIDHOLDT:

CCAJSOU3

Fair - direct

1 Q. Why did you go to the police station?

2 A. To lodge a police report and I was also so scared.

3 Q. What were you afraid of?

4 A. That Majid will kill me.

5 MS. LEIDHOLDT: May I approach the witness?

6 THE COURT: You may.

7 (Off-the-record discussion)

8 BY MS. LEIDHOLDT:

9 Q. Ms. Lee, I am showing a document marked Respondent's 9 for
10 identification. Ms. Lee, do you recognize the document in
11 front of you marked Respondent's 9 for identification?

12 A. Yes.

13 Q. What do you recognize that document to be?

14 A. A police report.

15 Q. Which police report, if any, do you recognize it to be?

16 A. Which?

17 Q. Is it a specific police report?

18 A. I am sorry. I don't understand the question.

19 MR. ARENSTEIN: I didn't hear the answer to that.

20 MS. LEIDHOLDT: One question.

21 MR. ARENSTEIN: Would you ask the witness to speak up
22 because she is whispering.

23 THE COURT: Ms. Lee, you have to keep your voice up.

24 THE WITNESS: Okay.

25 BY MS. LEIDHOLDT:

CCAJSOU3

Fair - direct

1 Q. You recognize this to be a police report?

2 A. Yes.

3 Q. What police report do you recognize it to be?

4 A. Of the incident.

5 Q. Did you make this police report?

6 A. Yes.

7 Q. When did you make it?

8 A. On the 6th of January, 2010.

9 Q. Is that your signature on the police report?

10 A. Yes.

11 MS. LEIDHOLDT: Your Honor, I would respectfully ask
12 that Respondent's 9 for identification be entered into evidence
13 as Respondent's 9 in evidence.

14 THE COURT: Any objection?

15 MR. ARENSTEIN: The same objection as to hearsay, your
16 Honor.

17 THE COURT: Received.

18 (Respondent's Exhibit 9 received in evidence)

19 (off-the-record discussion)

20 BY MS. LEIDHOLDT:

21 Q. Ms. Lee, I am showing you a document marked Respondent's 10
22 for identification.

23 A. Okay.

24 Q. Ms. Lee, do you recognize the document marked Respondent's
25 10 for identification?

CCAJSOU3

Fair - direct

1 A. Yes.

2 Q. What do you recognize this document to be?

3 A. This is a document given to me by the police when I lodged
4 the police report, to be filled out by a doctor.

5 Q. As part of this document, is there a medical report?

6 A. This is the medical report.

7 Q. So it is your testimony that the entire document is the
8 medical report. Is that correct?

9 A. Yes.

10 Q. Was this the medical report that was prepared after you
11 lodged the police report?

12 A. Yes.

13 (Continued on next page)

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Ccarsou4

Lee - direct

1 MS. LEIDHOLDT: Your Honor, I would respectfully ask
2 that this document be entered into evidence as Respondent's 10
3 in evidence.

4 THE COURT: Any objection?

5 MR. ARENSTEIN: Same objection I made before as to
6 hearsay.

7 THE COURT: Received.

8 (Respondent's Exhibit 10 received in evidence)

9 THE COURT: Ms. Lee, did the police tell you which
10 doctor you were supposed to see, or were you invited to select
11 the doctor?

12 THE WITNESS: They don't have a specific doctor.

13 THE COURT: What doctor did you go to?

14 THE WITNESS: I just went to the one nearest to the
15 police station.

16 THE COURT: Thank you. Had you ever been to that
17 doctor before.

18 THE WITNESS: This one, no.

19 THE COURT: Have you ever been to this doctor since
20 then?

21 THE WITNESS: No.

22 THE COURT: What did you do with this document after
23 you went to the doctor?

24 THE WITNESS: I took it back to the police officer.
25 Then he told me to just keep it. He say, if you want to get a

Ccarsou4

Lee - direct

1 personal protection order, then you have to bring this to the
2 family court.

3 THE COURT: Thank you. Next question.

4 BY MS. LEIDHOLDT:

5 Q. What, if anything, did you do, Ms. Lee, after you went to
6 the doctor and had the medical examination and received this
7 report.

8 A. I went to my friend's place to collect the documents, and
9 then right home.

10 Q. Which documents are you talking about?

11 A. Shayan passport and birth certificate.

12 Q. Once you arrived home with Shayan's -- was that his birth
13 certificate and passport from Malaysia?

14 A. Malaysian passport and the Singapore birth certificate.

15 Q. What, if anything, did you do once you arrived home with
16 those documents?

17 A. I left it on the dinner table.

18 Q. Did there come a time that Mr. Souratgar arrived home?

19 A. Yes.

20 Q. What happened once Mr. Souratgar arrived home?

21 A. He saw it, and then he just kept it, and the next morning
22 he took it with him.

23 Q. Ms. Lee, Mr. Souratgar testified that his parents reside in
24 Singapore. Were they living in Singapore throughout the
25 pendency of your relationship with Mr. Souratgar?

Ccarsou4

Lee - direct

1 A. No.

2 Q. Where were they living throughout the pendency of your
3 relationship with Mr. Souratgar?

4 A. In Iran.

5 MR. ARENSTEIN: Objection to the relevance of this
6 question, your Honor.

7 THE COURT: Overruled.

8 Q. What, if anything, were you aware of in relation to Mr.
9 Souratgar's immigration status?

10 MR. ARENSTEIN: Can I hear that question again?

11 Q. To the best of your understanding, what was Mr. Souratgar's
12 immigration status in Singapore?

13 A. He's an employment pass holder.

14 Q. What is your immigration status in Singapore again?

15 A. Permanent resident.

16 Q. If you know, what is Mr. Souratgar's brother's immigration
17 status in Singapore?

18 MR. ARENSTEIN: Objection to his brother's.

19 THE COURT: Overruled.

20 A. Employment pass.

21 THE COURT: How did you become a permanent resident of
22 Singapore?

23 THE WITNESS: I got it back in 1998 when I was working
24 in Singapore.

25 THE COURT: On what basis were you granted permanent

Ccarsou4

Lee - direct

1 resident status?

2 THE WITNESS: Because I was working in Singapore, and
3 then they say that if you want to apply, you can go and apply,
4 after which I send in all my documents, the relevant documents,
5 I sent them to the Singapore immigration. Then I went for an
6 interview, and after that, they grant me.

7 THE COURT: How long did the process take?

8 THE WITNESS: Probably six months.

9 THE COURT: How long had you been in Singapore at the
10 time you applied for permanent resident status?

11 THE WITNESS: To the day I left to the United States.

12 THE COURT: No, no. How long before you 1998 had you
13 been in Singapore?

14 THE WITNESS: Four years.

15 THE COURT: Next question.

16 BY MS. LEIDHOLDT:

17 Q. To the best of your knowledge, had Mr. Souratgar applied
18 for permanent resident status in Singapore?

19 A. He told me he did.

20 MR. ARENSTEIN: Objection to the answer, your Honor.
21 That's not responsive to the question.

22 THE COURT: Overruled.

23 Q. Did he detail any problems that he encountered trying to
24 obtain permanent resident status in Singapore?

25 A. He didn't manage to get one.

Ccarsou4

Lee - direct

1 Q. How long, to the best of your knowledge, has Mr. Souratgar
2 resided in Singapore?

3 A. 20 or more years.

4 THE COURT: 20 you say?

5 THE WITNESS: No, more than years.

6 THE COURT: 20 or more years.

7 Q. To your knowledge, has Mr. Souratgar had difficulty having
8 his employment pass in Singapore renewed?

9 A. Yes. There were once back in the year 2008 he had some
10 troubles getting his employment pass renewed.

11 THE COURT: Let me see whether I understand this. You
12 moved to Singapore in 1994?

13 THE WITNESS: Yes.

14 THE COURT: You continuously resided in Singapore from
15 1994 until May of 2012, is that correct?

16 THE WITNESS: Correct.

17 THE COURT: Correct?

18 THE WITNESS: Correct.

19 THE COURT: Thank you. Next question.

20 Q. Did there come a time that Mr. Souratgar began to talk
21 about moving his business in Singapore to Iran?

22 A. He said that his brother will manage the Singapore business
23 and he wants to go back to Iran to manage the Iran business.

24 Q. When did he make that statement to you?

25 A. It was back in 2010.

Ccarsou4

Lee - direct

1 Q. What, if anything, did you say to Mr. Souratgar when he
2 said he wanted to move back to Iran and run the Iranian
3 business?

4 A. He said that me and Shayan are supposed to follow him. But
5 I didn't want to go.

6 Q. Ms. Lee, have you ever wanted to become an Iranian citizen?

7 MR. ARENSTEIN: Objection.

8 THE COURT: Overruled.

9 A. No, never.

10 Q. Did you ever take any steps to become an Iranian citizen?

11 A. No.

12 Q. Why don't you want to become an Iranian citizen?

13 MR. ARENSTEIN: Objection.

14 THE COURT: I'm going to allow it.

15 A. Because Majid, with an Iranian passport and as a citizen,
16 there's a lot of problems when he travels. He needs to get
17 visas for most of the countries that he travels to. And I on
18 the other hand am holding a Malaysian citizenship, and we do
19 not have as much problem traveling at all. Also, globally
20 there was some discrimination against Iranians. So I just
21 thought that why would you want to put yourself in that
22 position?

23 Q. Ms. Lee, would you like to live in Iran? How would you
24 feel about living in Iran?

25 MR. ARENSTEIN: Objection.

Ccarsou4

Lee - direct

1 THE COURT: Overruled.

2 A. It will be a horrible place to live in. Basically, number
3 one is it's a Muslim country, and the Muslim laws there are
4 really, really strict. The women there basically have no
5 rights. I have read articles on people living there, which is
6 not a very nice place to live.

7 THE COURT: Have you ever visited there?

8 THE WITNESS: Yes, twice.

9 THE COURT: With your husband?

10 THE WITNESS: With Majid, yes.

11 THE COURT: Thank you.

12 MR. ARENSTEIN: Your Honor, I move to strike the
13 answer as not responsive.

14 THE COURT: I'll take it under advisement. Go ahead.

15 Q. Did you have any other concerns about what would your
16 personal situation be like if you moved to Iran, what would it
17 be like for you and Shayan if you moved to Iran?

18 MR. ARENSTEIN: Objection, your Honor. Speculative.

19 THE COURT: Overruled.

20 A. The fact that even in Singapore the police is not taking
21 action for domestic violence and I have to file a personal
22 protection order. Under the Shariah law, which applies to most
23 women in Muslim countries, the husband has the right to beat
24 their wife. So if I am going to live in Iran, he can continue
25 abusing me and then nothing will happen, because they don't

Ccarsou4

Lee - direct

1 protect the women at all.

2 MR. ARENSTEIN: Objection. Move to strike the answer
3 as not responsive and inflammatory and not a proper answer.

4 THE COURT: I'll take it under advisement. Next
5 question.

6 Q. Briefly, could you describe your relationship with Mr.
7 Souratgar in 2010.

8 THE COURT: I think we've covered this.

9 Q. How old was Shayan on January 29th of 2011?

10 A. 2 years old.

11 THE COURT: Isn't it just a matter of arithmetic? His
12 birthday is January 29, 2009.

13 MS. LEIDHOLDT: I'm going to move on, your Honor.

14 THE COURT: Please.

15 Q. Did there come a time, Ms. Lee, that your sister came to
16 live with you?

17 A. Yes.

18 Q. Came to live with you in a home you shared with Mr.
19 Souratgar?

20 A. Yes.

21 Q. When was that?

22 A. Mid January 2011.

23 Q. What is your sister's name?

24 A. Lee Jen Pink.

25 Q. Why did Jen Pink come to live with you?

Ccarsou4

Lee - direct

1 A. She got a promotion and she was relocated to the Singapore
2 branch office.

3 Q. Of what company or organization?

4 A. She is working with Citibank.

5 Q. How long did she stay with you and Mr. Souratgar?

6 A. Around four months.

7 Q. How did Mr. Souratgar respond to your sister's presence in
8 the family's home?

9 A. He was OK with her initially. Then after that he started
10 complaining that the electric bills went up, the water bill
11 went up.

12 Q. I'd like to direct your attention to March 15th of 2011.
13 What, if anything, transpired that day?

14 A. When? Sorry.

15 Q. March 15th of 2011.

16 A. He was supposed to go to Majid's brother's house for an
17 Iranian New Year dinner. Then, when he got home, he claimed
18 that Shayan was jumping on a bean bag which he has earlier in
19 the morning told me to put it away because he had some bad
20 dream. I did tell the maid to put it away, but I think she
21 forgot. So when he came back, he kick a fuss and say why
22 didn't I listen to him.

23 THE COURT: Who did you tell to put away the bean bag?

24 THE WITNESS: The maid.

25 THE COURT: Thank you. How many days a week did the

Ccarsou4

Lee - direct

1 maid come, or did she live there?

2 THE WITNESS: She's a stay-in.

3 THE COURT: She lives in the house?

4 THE WITNESS: Yes.

5 THE COURT: Thank you.

6 Q. When you say Mr. Souratgar kicked up a fuss, what exactly
7 happened? What did he do?

8 MR. ARENSTEIN: Objection to the form of the question.

9 THE COURT: What do you mean by kick up a fuss?
10 That's the question.

11 A. He started scolding me for not putting the bean bag away.
12 He said that I doesn't listen to him. Then he started
13 shouting.

14 Q. What, if anything, did he shout?

15 A. He told me that I was stupid, I was a bad mother to allow
16 Shayan to play on the bean bag. After that, he went on to say
17 that me and my family are animals and that we should live in a
18 farm in the home.

19 Q. What, if anything, happened then?

20 A. Then he continued scolding, and he got his sister, and his
21 niece was waiting in the car, so he actually went out. He
22 wanted to bring Shayan along, which he took to the car for less
23 than five minutes. Then he came back in and told me that we're
24 not bringing Shayan to my brother's house, then he left.

25 Q. As he was scolding you, what tone of voice was he using?

Ccarsou4

Lee - direct

1 How loud was he speaking?

2 MR. ARENSTEIN: Objection to the phrase "scolding" in
3 the question, your Honor.

4 THE COURT: Overruled.

5 A. He was yelling.

6 Q. Where was Shayan while this was transpiring?

7 A. Shayan was in the living room. When my sister heard the
8 yelling, she actually came and carried Shayan away.

9 MR. ARENSTEIN: Objection to what the sister did.

10 THE COURT: Overruled.

11 Q. Now I'd like to direct your attention to March 30th of
12 2011.

13 THE COURT: Before we get to March 30th, did you go to
14 the New Year's celebration?

15 THE WITNESS: No, I didn't.

16 THE COURT: Did Mr. Souratgar go?

17 THE WITNESS: Yes, he went.

18 THE COURT: He went with his family members?

19 THE WITNESS: Yes.

20 THE COURT: Other than you and Shayan?

21 THE WITNESS: Me, my sister, and Shayan.

22 THE COURT: And you remained home?

23 THE WITNESS: Yes.

24 THE COURT: When was the maid hired?

25 THE WITNESS: This maid in September 2010.

Ccarsou4

Lee - direct

1 THE COURT: September of 2010.

2 THE WITNESS: Yes.

3 THE COURT: When you left in May of 2011, what
4 happened to the maid? Where did the maid go?

5 THE WITNESS: I brought her long.

6 THE COURT: Thank you. Next question.

7 BY MS. LEIDHOLDT:

8 Q. I'm directing your attention to March 30th of 2011, about
9 two weeks later, March 30, 2011. Did there come a time that
10 you received a telephone call from your sister?

11 A. Yes.

12 Q. Not coming in for the truth, could you describe the
13 substance of that call that you received from your sister.

14 MR. ARENSTEIN: Objection, your Honor. That is coming
15 in for the truth if we are going to describe something on a
16 telephone call. I don't know how it's not.

17 THE COURT: Let me ask a question. What is the
18 relevance? Is it coming in for the truth?

19 MS. LEIDHOLDT: No, it is not, your Honor.

20 THE COURT: What is the relevance of the fact that it
21 was said?

22 MS. LEIDHOLDT: The relevance is to demonstrate its
23 effect on Ms. Lee, who received the call and then took action
24 in response to that call.

25 THE COURT: Let me hear it subject to a motion to

Ccarsou4

Lee - direct

1 strike.

2 Q. Would you please describe the substance of that call, the
3 call that your sister made to you on March 30th.

4 A. She called me and she told me that this morning, while
5 Majid was giving her a ride to the subway, he told her that he
6 wants a divorce. Then she asked him what will happen to
7 Shayan. And then Majid say that Shayan doesn't need mother
8 like me because I'm a bad mother and that he will take Shayan
9 to Iran.

10 MR. ARENSTEIN: Move to strike, your Honor.

11 THE COURT: I'm still not understanding. What is the
12 relevance of the fact that this was said?

13 MS. LEIDHOLDT: It is not coming in for the truth of
14 the matter asserted. It is to show the effect on Ms. Lee, who
15 then began to take action after having this conversation with
16 her sister. The sister will be able to testify about the
17 conversation that she had with Mr. Souratgar that led her to
18 call her sister, Ms. Lee, your Honor.

19 THE COURT: Let me hear what the reaction was. Go
20 ahead.

21 Q. What was your reaction to what your sister told you?

22 A. I was very afraid because Majid wanted to take Shayan to
23 Iran. I then went to get my lawyer, Mr. Ahmad Nizam, and then
24 we filed for custody, an ex parte custody, with the Singapore
25 family court.

Ccarsou4

Lee - direct

1 THE COURT: When was that, approximately?

2 THE WITNESS: April 2011.

3 MR. ARENSTEIN: Again I renew my motion to strike.

4 The conversation with the sister.

5 THE COURT: So noted.

6 Q. Around this time did Mr. Souratgar make statements to you
7 about renouncing Islam?

8 A. Yes.

9 Q. What were those statements that he made to you?

10 A. He told me many times that I can renounce Muslim because,
11 he say, I'm just a paper Muslim. He say that I do not believe
12 in Muslim, in Islam, and I can go back to become Christian.

13 Q. What was your reaction to Mr. Souratgar making those
14 statements?

15 A. I found it very strange, because he was the one who wanted
16 me to convert to Muslim.

17 THE COURT: When was this conversation in which Mr.
18 Souratgar made these statements?

19 THE WITNESS: This was sometime in the third quarter
20 of 2010.

21 THE COURT: Thank you.

22 Q. Would you have renounced Islam and gone back to
23 Christianity? Was that a possibility for you?

24 MR. ARENSTEIN: Objection.

25 THE COURT: Overruled.

Ccarsou4

Lee - direct

1 A. In Malaysia, no.

2 Q. What are the consequences of a Muslim renouncing Islam in
3 Malaysia, if you know?

4 MR. ARENSTEIN: Objection.

5 THE COURT: Overruled.

6 A. We will be subjected to severe punishment. There are also
7 imprisonment and killing. That's what the punishment is.

8 Q. What about the consequences of renouncing Islam in
9 Singapore, would there potentially be negative consequences in
10 relation to your relationship to Shayan?

11 MR. ARENSTEIN: Objection.

12 THE COURT: Overruled.

13 A. Under the Shariah law, if either parent renounce the Islam
14 faith, custody will immediately be given to the parent who
15 still practices Islam.

16 Q. Were you aware of that at the time that Mr. Souratgar made
17 those statements to you?

18 A. Actually asked some of my Muslim friends. They told me.
19 But I only got the confirmation from my lawyer, Mr. Ahmad.

20 Q. What is the full name of your lawyer?

21 A. Ahmad Abbas Nizam.

22 Q. You testified that you contacted a lawyer.

23 A. Yes.

24 Q. April of 2011?

25 A. Mm-hm.

Ccarsou4

Lee - direct

1 Q. Was that Mr. Ahmad Nizam Abbas?

2 A. Yes.

3 Q. Did you have a meeting with him in April of 2011?

4 A. Yes.

5 Q. What happened at that meeting?

6 MR. ARENSTEIN: Objection. There is a privilege
7 there.

8 THE COURT: Ms. Lee is perfectly free to waive the
9 privilege. If that is your objection, it's overruled.

10 A. I told him what happened. And then he told me --

11 MR. ARENSTEIN: Objection to what he told her.

12 THE COURT: Sustained.

13 Q. What did you tell Mr. Abbas and what, if anything, did you
14 give Mr. Abbas in that meeting?

15 A. I told him the history of domestic violence, and then I
16 told him about Shayan's Iranian passport. I told him that I
17 fear that Majid is going to take Shayan back to Iran. So Mr.
18 Ahmad collected the documents from me and he filed petition
19 with the Singapore family court.

20 Q. As part of that application, did you prepare an affidavit
21 yourself or did he assist you in preparing an affidavit from
22 you?

23 A. Yes, he did.

24 Q. In that affidavit did you describe Mr. Souratgar's
25 violence?

Ccarsou4

Lee - direct

1 A. Yes.

2 Q. I'd like to direct your attention to April 24th of 2011.
3 You testified previously that you had a domestic worker you
4 call a helper named Tintin?

5 A. Yes.

6 THE COURT: This the person you referred to as the
7 maid?

8 THE WITNESS: We have two maids, two different maids.

9 THE COURT: I'm sorry?

10 THE WITNESS: Tintin left and the other one came.

11 THE COURT: Just say that again. I had trouble
12 understanding what you said.

13 THE WITNESS: Tintin work from 2009, two-oh-oh-nine,
14 to September 2010. Then the next one came from September 2010
15 to the day I left.

16 THE COURT: The one who came September 2010 was named
17 what?

18 THE WITNESS: Ram.

19 THE COURT: Ram?

20 THE WITNESS: Yes, R-A-M.

21 THE COURT: So they did not overlap?

22 THE WITNESS: No, did not.

23 THE COURT: Did you have any other help or assistance
24 in the home, any other workers or helpers in the home?

25 THE WITNESS: During the same time?

Ccarsou4

Lee - direct

1 THE COURT: During the time of your marriage.

2 THE WITNESS: We have another Indonesian one.

3 THE COURT: When was that?

4 THE WITNESS: She came in January 2009.

5 THE COURT: And left when?

6 THE WITNESS: September 2009 then was Tintin from
7 September of 2009 to September 2010.

8 THE COURT: And then?

9 THE WITNESS: Was Ram from September 2010 to May 2012.

10 THE COURT: Any other domestic workers, help, maids,
11 servants of any type?

12 THE WITNESS: No.

13 THE COURT: Thank you. Next question.

14 BY MS. LEIDHOLDT:

15 Q. You heard Mr. Souratgar's testimony that you had physically
16 assaulted domestic workers in the home that you shared with
17 him.

18 A. Yes.

19 Q. Ms. Lee, at any time did you physically assault any of the
20 domestic workers that were living in the home that you shared
21 with Mr. Souratgar?

22 A. No.

23 Q. At any time did any domestic worker working in the home
24 that you shared, to the best of your knowledge, ever file a
25 police report about you?

Ccarsou4

Lee - direct

1 A. No.

2 Q. I'm directing your attention to April 24th of 2011. Did
3 your domestic helper at the time, Ram, approach you about a
4 matter of concern?

5 A. Yes.

6 Q. What transpired?

7 A. She was in the car with Shayan and Majid. They were going
8 to some place, a shopping mall. Then Majid called his mom, and
9 she overheard. She said he was speaking in Persian. But then
10 after that, Majid turned to Shayan and told Shayan, we are
11 going to mamani's. Mamani means grandmother in Persian -- to
12 mamani's home in Iran, we are going to take an airplane there.

13 MR. ARENSTEIN: Objection to the testimony of the
14 witness if she wasn't there and-didn't hear it, number one.
15 Number two, what does this have to do with grave risk of
16 danger? Again, we are getting far afield here with testimony
17 that probably, if it is anything, should be testified to in
18 Singapore, where everybody was and the courts have the
19 jurisdiction to hear, not in this court.

20 THE COURT: I'll take it subject to your motion to
21 strike. Go ahead.

22 Q. I'd like to direct your attention to May 3rd of 2011. I'm
23 going to rephrase the question. Did there come a time that Mr.
24 Abbas filed papers in Singapore family court requesting that
25 you be granted custody of Shayan?

Ccarsou4

Lee - direct

1 A. Yes.

2 Q. Do you recall when that was?

3 A. Sometime in May.

4 THE COURT: May 2011?

5 THE WITNESS: Yes, 2011.

6 THE COURT: Thank you.

7 Q. Did you at that time make any representations to you
8 expressing concern that you might have trouble receiving a fair
9 trial?

10 MR. ARENSTEIN: Objection.

11 THE COURT: Sustained. The fact that it was said is
12 irrelevant.

13 MS. LEIDHOLDT: I understand.

14 THE COURT: The truth of the content is hearsay.

15 Q. What, if anything, occurred on May 25th, 2011?

16 A. I move out to my sister's apartment with Shayan and the
17 maid Ram.

18 Q. What, if anything, did you take from the family's home when
19 you moved out and into your sister's home?

20 A. I just took my, mine, Shayan, and Ram's belongings.

21 THE COURT: When the sister move out of the home that
22 you and your husband were living in?

23 THE WITNESS: Probably mid May.

24 THE COURT: Mid May of 2011?

25 THE WITNESS: Yes.

Ccarsou4

Lee - direct

1 THE COURT: When did you move in with her some.

2 THE WITNESS: 25th.

3 THE COURT: Of May?

4 THE WITNESS: Yes.

5 THE COURT: While she was living with you, what is she
6 looking for a place?

7 THE WITNESS: Yes, she was.

8 THE COURT: So it was her plan all along to get a
9 place?

10 THE WITNESS: Yes.

11 THE COURT: Thank you. When did you decide that you
12 were going to say move in with your sister?

13 THE WITNESS: After I spoke to my Singapore attorney
14 and he say that, yeah, he is going to file an application in
15 the family court. I decided that when the order is out, then I
16 will move.

17 BY MS. LEIDHOLDT:

18 Q. Why did you feel you needed to move when the order was out?

19 A. Because I was afraid that when they served the documents to
20 Majid, he probably kill me.

21 THE COURT: Which documents?

22 THE WITNESS: The ex parte order for custody.

23 THE COURT: That was served in April?

24 THE WITNESS: No. That was served on 26 or 27 of May
25 to him.

Ccarsou4

Lee - direct

1 THE COURT: All right.

2 Q. When you left Mr. Souratgar's home and moved into the
3 apartment that your sister had just rented, did you take any of
4 Mr. Souratgar's furniture?

5 A. No.

6 Q. Did you take any of his money?

7 A. No.

8 Q. Did you take any of his personal possessions?

9 A. No.

10 THE COURT: What did you take out of the house?

11 THE WITNESS: My belongings, which is my clothes and
12 the things that belongs to me; Shayan's belongings, toys; as
13 well as the maid's belongings.

14 THE COURT: When you say things that belong to me, did
15 that include any furniture?

16 THE WITNESS: We have two of everything in the house,
17 because when we move in together, he brought his set of
18 electrical appliances and I brought my set.

19 THE COURT: Tell me what furniture you moved out of
20 the house, if any.

21 THE WITNESS: I only took my mattress and the bed
22 which I brought to the house, a refrigerator and a washing
23 machine which was mine, because we had two refrigerators and
24 two washing machines in the house.

25 THE COURT: When you said to me a minute ago in your

Ccarsou4

Lee - direct

1 testimony, I just took my clothing, Shayan's clothing, his
2 toys, and things that belonged to me, you meant to tell me that
3 you moved out the washing machine, the refrigerator, and the
4 mattress?

5 THE WITNESS: Yes, my belongings.

6 THE COURT: OK. Thank you. Anything else?

7 THE WITNESS: No, nothing.

8 THE COURT: Did you take anything out of the cabinets
9 in the kitchen?

10 THE WITNESS: No.

11 THE COURT: You mentioned appliances.

12 THE WITNESS: Appliances, yes, the washing machine and
13 the refrigerator, the electrical.

14 THE COURT: Anything else?

15 THE WITNESS: No. Only three items which belongs to
16 me.

17 THE COURT: Those three items and nothing else?

18 THE WITNESS: Nothing.

19 THE COURT: Next question.

20 BY MS. LEIDHOLDT:

21 Q. Did you make a visit to the police precinct on May 23rd of
22 2011?

23 A. May 23rd?

24 Q. I'm so sorry. May 25th of 2011.

25 A. Yes. I went to lodge a police report that I moved out from

Ccarsou4

Lee - direct

1 the matrimony home voluntarily.

2 Q. Why did you lodge a police report stating that you had
3 moved out of the matrimonial home?

4 MR. ARENSTEIN: Objection.

5 THE COURT: Overruled.

6 A. Because my attorney Mr. Ahmad say that --

7 MR. ARENSTEIN: Objection to what her attorney said.
8 Move to strike.

9 THE COURT: Sustained as to what your attorney said.
10 You filed a police report because your attorney told you to?

11 THE WITNESS: Because he told that.

12 THE COURT: That's all I need to know.

13 THE WITNESS: Yes.

14 THE COURT: Was it because of the instructions of your
15 attorney?

16 THE WITNESS: Yes.

17 THE COURT: Next question.

18 Q. Did you have any concerns about what might -- were there
19 any other reasons that you lodged a police report besides the
20 conversation that you had with Mr. Abbas?

21 A. Because we don't want to be reported --

22 THE COURT: Who is "we"?

23 THE WITNESS: Me and Shayan and the maid.

24 A. -- as missing person.

25 Q. At the time you filed the police report, did you have any

Ccarsou4

Lee - direct

1 knowledge as to whether your husband had filed a police report
2 about you?

3 A. Yes.

4 Q. Please explain.

5 A. An officer from one of the police station called my
6 headphone, my cell phone.

7 MR. ARENSTEIN: I'm sorry. I didn't hear that answer.

8 THE COURT: A police officer called her cell phone.

9 Go ahead.

10 Q. What did the police officer say to you?

11 MR. ARENSTEIN: Objection.

12 THE COURT: Overruled.

13 A. He told me to come down to the police station and to fix an
14 appointment with him to come down. And he insisted that I
15 bring Shayan together to the police station.

16 MR. ARENSTEIN: Objection, your Honor.

17 THE COURT: Overruled.

18 Q. Do you know why the police officer wanted you to bring
19 Shayan to the police station?

20 MR. ARENSTEIN: Objection.

21 THE COURT: Overruled.

22 A. I didn't know until I got there. And then the police
23 officer started doing a bodily check on Shayan. He lifted up
24 Shayan's shirt and then he was pressing the parts of his limbs.
25 Then he look at his back. He lift up Shayan's shirt, and then

Ccarsou4

Lee - direct

1 he look at the front and the back and Shayan's legs as well.

2 After that, I ask the police officer, why are you
3 doing this? Then he say, oh --

4 MR. ARENSTEIN: Objection.

5 THE COURT: Overruled.

6 A. Then he say that your husband has claimed that you
7 physically abuse your son, so therefore I required to do a body
8 check to see if there's any bruises.

9 THE COURT: Did he find any bruises?

10 THE WITNESS: No, he did not.

11 MS. LEIDHOLDT: May I approach the witness?

12 THE COURT: You may.

13 Q. Ms. Lee, I'm showing you a document marked Respondent's 11
14 for identification.

15 A. Yes.

16 Q. Do you recognize that document?

17 A. Yes.

18 Q. What do you recognize that document to be?

19 A. A police report.

20 Q. Was this police report filed by you?

21 A. Yes.

22 Q. When did you file this police report?

23 A. On the 25th of May 2011.

24 Q. Is that your signature on this police report?

25 A. Yes.

Ccarsou4

Lee - direct

1 MS. LEIDHOLDT: Your Honor, I'm offering Respondent's
2 11 for identification into evidence as Respondent's 11 in
3 evidence.

4 THE COURT: Any objection?

5 MR. ARENSTEIN: The same objection, your Honor.

6 THE COURT: Overruled.

7 (Respondent's Exhibit 11 received in evidence)

8 Q. I'd like to direct your attention to the day after you
9 filed this police report, May 26th of 2011. Without stating
10 the comments that were made in the conversation, I just want to
11 ask you, did you receive a call that day on May 25th, 2011, did
12 you receive a call from your sister, Jen Pink?

13 A. On 26th?

14 Q. On May 26, 2011, the day after you filed this police
15 report.

16 A. Oh, yes.

17 Q. Did she make certain comments to you -- please do not state
18 what those comments were -- in the course of that conversation?

19 A. Yes.

20 MR. ARENSTEIN: Objection to the question, your Honor.

21 THE COURT: Overruled.

22 Q. What was your reaction, just your reaction, to what your
23 sister told you?

24 MR. ARENSTEIN: Objection. It's in the abstract. We
25 don't even know what she told her. I don't think it should be

Ccarsou4

Lee - direct

1 going in.

2 THE COURT: It's all subject to connection. I don't
3 understand your objection.

4 Is the sister going to testify?

5 MS. LEIDHOLDT: She is going to testify, your Honor.

6 THE COURT: So what is your objection?

7 MR. ARENSTEIN: If it's subject to connection, your
8 Honor, then we'll wait and see.

9 THE COURT: Thank you.

10 You may answer.

11 A. I was shock.

12 THE COURT: Next question.

13 Q. Did there come a time that you learned that you were being
14 accused of stealing \$13,200 in cash from Mr. Souratgar?

15 A. Yes.

16 Q. And his watches?

17 A. Yes.

18 Q. And his personal laptop?

19 A. Yes.

20 Q. How did you learn that you were being accused of stealing
21 these things from him?

22 A. A police called me and he wanted me to go down to the
23 police station to give a statement.

24 THE COURT: I really wonder what a divorce action
25 transcript would look like in this case and how it would be any

Ccarsou4

Lee - direct

1 different from what I have listened to in this proceeding. It
2 appears to me that not only are the parties trying to get me to
3 try a custody case, they also want me to try a divorce case.

4 Next question.

5 Q. Ms. Lee, did there come a time in mid June when you
6 received a call from Mr. Souratgar?

7 A. Yes.

8 Q. Would you please describe that phonecall.

9 A. He told me that he have obtain an Iranian passport for me
10 and that he was going to the Malaysian high com in Singapore.

11 Q. What do you mean high com?

12 A. The Malaysian embassy in Singapore to report that I have
13 two citizenship.

14 MR. ARENSTEIN: Two what?

15 A. I have two citizenship. And he told me to watch out.

16 Q. What did you understand him to mean when he told you to
17 watch out?

18 MR. ARENSTEIN: Objection.

19 THE COURT: Overruled.

20 A. That he was trying to revoke my Malaysian citizenship so
21 that I have -- I got no choice but to stay in Iran.

22 THE COURT: This was how long after you moved out?

23 THE WITNESS: This was in June 2011.

24 THE COURT: What arrangements had you made at the time
25 you moved out for Mr. Souratgar to see Shayan?

Ccarsou4

Lee - direct

1 THE WITNESS: We did not make any arrangement. We
2 were waiting for the first mediation with the family court to
3 arrange something.

4 THE COURT: Was there any reason why you could not
5 have let him see Shayan?

6 THE WITNESS: Because he was holding on to Shayan's
7 Iranian passport and I didn't have in possession with me.

8 THE COURT: Where were you living when you moved out?

9 THE WITNESS: My sister's place in Singapore.

10 THE COURT: In Singapore?

11 THE WITNESS: Yes.

12 THE COURT: Was there any reason why you could not
13 have let Shayan's father visit with Shayan?

14 THE WITNESS: I was afraid that when he visit with
15 Shayan, that he take Shayan to Iran, because he was threatening
16 to do that.

17 THE COURT: Any other reason?

18 THE WITNESS: I was afraid to see him because I scared
19 that he might start scolding and beating me again.

20 THE COURT: Next question.

21 Q. What, if anything, did you do the next day, after you
22 received this threat from Mr. Souratgar?

23 MR. ARENSTEIN: Objection to the characterization
24 "threat."

25 THE COURT: Yes, that is really not necessary.

Ccarsou4

Lee - direct

1 Q. What, if anything, did you do the next day after you
2 received this call from Mr. Souratgar?

3 A. I went to the Malaysian embassy in Singapore and I met with
4 consulate there and I explain what have happened. Then I told
5 him that I am afraid that my Malaysian citizenship will be
6 revoke. So I just wanted to let them know first.

7 Q. What, if anything, did the consular officer do while you
8 were at the Singapore?

9 A. They took my statement and then they said they will keep it
10 in file, and if anything arise, they will investigate.

11 THE COURT: Let me ask you, did you consult with
12 counsel before you made that trip?

13 THE WITNESS: My Singapore attorney?

14 THE COURT: Yes.

15 THE WITNESS: No.

16 Q. Why didn't you consult with counsel before you made that
17 trip?

18 A. I just decided -- I got the phonecall the day before. The
19 next morning I just went down to the Malaysian embassy.

20 Q. As you were leaving the Malaysian consulate, did you
21 encounter Mr. Souratgar in the reception area there?

22 A. Yes.

23 MR. ARENSTEIN: Objection. Leading question.

24 THE COURT: Overruled.

25 Q. What, if anything, happened when you encountered Mr.

Ccarsou4

Lee - direct

1 Souratgar there?

2 A. As I was leaving the reception area, Majid actually walk
3 in. And then he stop and smile at me and he told me, you are
4 dead meat.

5 Q. Did there come a time that you informed your attorney about
6 Mr. Souratgar's plans to have your Malaysian citizenship
7 revoked?

8 MR. ARENSTEIN: Objection.

9 THE COURT: Overruled.

10 A. Yes, I told him.

11 Q. If you know, did he send a letter to Ms. Gomez explaining
12 your concerns that your Malaysian citizenship was going to be
13 revoked?

14 MR. ARENSTEIN: Objection.

15 THE COURT: I'll allow it.

16 A. Yes.

17 MR. ARENSTEIN: Can we have a time frame when this
18 alleged letter was made, your Honor? We don't have any idea
19 where the letter is or what the letter is or if they are going
20 to produce the letter. I don't even know when it was allegedly
21 sent or written or what.

22 THE COURT: Give counsel a moment. Counsel is engaged
23 in another activity right now.

24 MS. LEIDHOLDT: May I approach the witness?

25 THE COURT: Yes. Can you comply with counsel's

Ccarsou4

Lee - direct

1 request?

2 MS. LEIDHOLDT: I'm sorry. I didn't hear it.

3 MR. ARENSTEIN: I'd like to see this letter, when it
4 was sent.

5 THE COURT: I'll take care of it. Ms. Lee,
6 approximately when was this letter sent by your lawyer to Ms.
7 Gomez regarding your concerns about losing your Malaysian
8 citizenship?

9 THE WITNESS: Somewhere in June-July 2011.

10 THE COURT: Next question. You may approach.

11 Q. Ms. Lee, I'm showing you what's been identified as
12 Respondent's 12 for identification. Could you take a moment to
13 look at that letter.

14 A. Yes.

15 Q. Ms. Lee, do you recognize this document?

16 A. Yes.

17 Q. What do you recognize it to be?

18 A. A letter from my Singapore attorney to Majid's attorney.

19 THE COURT: Is this the letter to which you were
20 referring, Ms. Lee, in your prior testimony?

21 THE WITNESS: Yes.

22 MR. ARENSTEIN: Your Honor, she testified to a letter
23 that Ms. Gomez wrote, from what I heard on the testimony. It
24 was a letter that Ms. Gomez had written. That's a letter to
25 Mrs. Gomez. I have a reply to that letter here, and I have a

Ccarsou4

Lee - direct

1 problem that Ms. Gomez -- Ms. Gomez is going to be leaving
2 tonight to go back to Singapore. I'm going to be objecting to
3 that letter going in. If it does go in, I'm going to want Ms.
4 Gomez's letter to go in, the reply to that letter.

5 THE COURT: Mr. Arenstein, did you receive a copy of
6 R12?

7 First of all, are you offering R12?

8 MS. LEIDHOLDT: I am, your Honor. And I have no
9 objection to Ms. Gomez's letter coming in as well.

10 MR. ARENSTEIN: I have no objection to them both going
11 in. That's fine.

12 THE COURT: All right. Why don't you mark that now as
13 the petitioner's next exhibit. R12 is received in evidence
14 without objection.

15 (Respondent's R12 received in evidence)

16 MR. ARENSTEIN: Petitioner's Exhibit L.

17 THE COURT: Do you want to hand it up, sir. Any
18 objection to petitioner's L?

19 MS. LEIDHOLDT: None whatsoever.

20 THE COURT: Received. L is received in evidence.

21 (Petitioner's Exhibit L received in evidence)

22 MS. LEIDHOLDT: Your Honor, would it be possible to
23 have a 5-minute break?

24 THE COURT: It is, sure.

25 (Recess)

CCAJSOU5

Fair - direct

1 MR. ARENSTEIN: If I might address the court on two
2 issues?

3 THE COURT: Let's wait until the testimony is over
4 today. Please be seated.

5 MR. ARENSTEIN: I don't know if it will be over today,
6 but --

7 THE COURT: Well, what needs to be addressed at this
8 moment as opposed to when we get to the end of the day?

9 MR. ARENSTEIN: I'll wait till the end of the day,
10 your Honor. I'll wait.

11 THE COURT: Thank you.

12 BY MS. LEIDHOLDT:

13 Q. Did there come a time, Ms. Lee, when you learned that
14 Mr. Souratgar filed for custody of Shayan in Singapore?

15 Did there come a time when you learned that
16 Mr. Souratgar had also filed for custody of Shayan in
17 Singapore?

18 A. Yes.

19 Q. Do you recall when that was?

20 A. In June 2011.

21 Q. Do you recall what Mr. Souratgar asked for in his petition?

22 A. He asked for sole custody and care of Shayan and also the
23 documents of Shayan.

24 Q. Did he ask for anything in reference to visitation of
25 Shayan?

CCAJSOU5

Fair - direct

1 A. No.

2 MR. ARENSTEIN: Objection, your Honor. The document
3 speaks for itself.

4 THE COURT: Overruled. Go ahead.

5 (Off-the-record discussion).

6 MS. LEIDHOLDT: May I approach the witness?

7 THE COURT: You may.

8 (Off-the-record discussion)

9 BY MS. LEIDHOLDT:

10 Q. Ms. Lee, I am showing you a document marked Respondent's 13
11 for identification. Will you please take a moment and look at
12 that document.

13 THE COURT: Isn't this document in evidence already as
14 part of Petitioner's C?

15 MR. ARENSTEIN: Yes, it is, your Honor.

16 MS. LEIDHOLDT: Thank you. I wasn't aware of that.

17 THE COURT: It is a question I asked. It is a
18 question. Isn't this document already in evidence as
19 Petitioner's C?

20 MS. LEIDHOLDT: Opposing counsel has just confirmed
21 that it is. I wasn't aware that it was, your Honor, but I
22 certainly accept his representation that it is and it is
23 Petitioner's C in evidence. Thank you so much.

24 THE COURT: All right.

25 BY MS. LEIDHOLDT:

CCAJSOU5

Fair - direct

1 Q. Ms. Lee, have you had an opportunity to refresh your
2 recollection?

3 A. Yes.

4 Q. Does this document refresh your recollection as to whether
5 Mr. Souratgar asked that you have a certain kind of visitation
6 with Shayan?

7 A. Yes.

8 Q. What kind of visitation did he ask that you have with
9 Shayan?

10 A. Supervised access with his presence.

11 Q. Did there come a time that you received reply papers from
12 Mr. Souratgar to your petition for custody?

13 A. Yes.

14 Q. Do you recall approximately when you received those papers?

15 A. Either the end of June, July.

16 Q. Was there anything that surprised you in Mr. Souratgar's
17 papers?

18 A. Yes.

19 Q. What in particular surprised you?

20 A. Accusations against my sister for sexually abusing Shayan,
21 that I am self-abusive and that I chase him around the house
22 with knives and choppers and also I abused the meat.

23 THE COURT: Thank you.

24 BY MS. LEIDHOLDT:

25 Q. Was there a proceeding in Singapore Family Court on July

CCAJSOU5

Fair - direct

1 14th of 2011?

2 A. Yes.

3 Q. Briefly what happened in that proceeding?

4 A. We brought up the issue of Shayan's Iranian passport and
5 then the judge ordered that Majid had supervised access once a
6 week at the Family Service Center.

7 (Off-the-record discussion)

8 BY MS. LEIDHOLDT:

9 Q. Ms. Lee, I am showing you a document marked Respondent's 14
10 for identification. Do you recognize it?

11 A. Yes.

12 Q. What do you recognize it to be?

13 A. Order of court.

14 Q. Is this the order that you were just describing a few
15 moments ago?

16 A. Yes.

17 MS. LEIDHOLDT: Your Honor, I respectfully request
18 that Respondent's 14 for identification be entered into
19 evidence as Respondent's 14 in evidence.

20 THE COURT: Is this part of Petitioner's C?

21 MR. ARENSTEIN: It is in C, your Honor.

22 THE COURT: Where do I find it in C? What tab within
23 C?

24 MR. ARENSTEIN: I am trying to find that out, your
25 Honor.

CCAJSOU5

Fair - direct

1 THE COURT: It appears to be at Tab D.

2 MR. ARENSTEIN: Do you have it, your Honor.

3 THE COURT: Tab D. I have it.

4 MR. ARENSTEIN: Thank you.

5 THE COURT: Ms. Leidholdt, I am going to have to ask
6 you to please be attentive to this. It appears to already be
7 in evidence.

8 MS. LEIDHOLDT: I apologize, your Honor.

9 THE COURT: We just went through this a few minutes
10 ago.

11 BY MS. LEIDHOLDT:

12 Q. Ms. Lee, did your attorney, Mr. Abass, take any action to
13 try to establish that Mr. Souratgar had obtained and was in
14 possession of an Iranian passport in your name?

15 MR. ARENSTEIN: Objection.

16 THE COURT: Overruled. If you know?

17 A. He wrote a letter to the Iranian consulate as well as the
18 Malaysian government.

19 THE COURT: What do you understand, Ms. Lee, the
20 Center for Family Harmony to be?

21 THE WITNESS: It is a place where couples who are
22 having custody issues to have visitations with the other parent
23 while awaiting the outcome of the trial.

24 THE COURT: Who runs the Center for Family Harmony, if
25 you know?

CCAJSOU5

Fair - direct

1 THE WITNESS: If I am not mistaken, it is partially
2 run by the government.

3 THE COURT: Partially run by the government?
4 And this is a physical location, a place within
5 Singapore?

6 THE WITNESS: Yes.

7 THE COURT: Where supervised visitation may take
8 place?

9 THE WITNESS:: Yes. It is like a pretty big
10 apartment. Inside they have multiple rooms with toys and then
11 they have a kitchen, bathroom and then living area, and during
12 visitations, the supervised one, there will be a counselor.

13 THE COURT: Somebody who works for the Center for
14 Family Harmony?

15 THE WITNESS: Yes.

16 THE COURT: How many people are employed by the Center
17 for Family Harmony or how many do you see when you go there?

18 THE WITNESS: I usually see at least three or four of
19 each type.

20 THE COURT: Thank you very much.

21 BY MS. LEIDHOLDT:

22 Q. Ms. Lee, I am showing you a document marked Respondent's 15
23 for identification.

24 A. Okay.

25 Q. Do you recognize it?

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Fair - direct

1 A. Yes.

2 Q. What do you recognize it to be?

3 A. An inquiry of nationals, a letter to the Malaysian National
4 Registration Department.

5 Q. What do you understand the purpose of this letter to be?

6 A. It is to inquire whether both me and Shayan have an Iranian
7 passport.

8 MS. LEIDHOLDT: Your Honor, I'd like to offer this
9 into evidence.

10 THE COURT: Any objection?

11 MS. LEIDHOLDT: As Respondent's 15 in evidence.

12 MR. ARENSTEIN: One second, your Honor.

13 (Off-the-record discussion)

14 MR. ARENSTEIN: Unless there is a reply to it, I would
15 have an objection. I see it is a one-sided letter to the
16 director of the Malaysian National Registration Department.

17 THE COURT: Is there a response?

18 MS. LEIDHOLDT: I don't believe there was a response,
19 your Honor.

20 THE COURT: Ms. Lee, was there a response to this
21 letter that you know of?

22 THE WITNESS: No.

23 MR. ARENSTEIN: Then I object to the letter.

24 THE COURT: Overruled. Received.

25 (Respondent's Exhibit 15 received in evidence)

CCAJSOU5

Fair - direct

1 MS. LEIDHOLDT: Your Honor, I am about to commence on
2 a line of questioning that has to do with another incident of
3 domestic violence after the parties --

4 THE COURT: How much more do you have of direct
5 examination of --

6 MS. LEIDHOLDT: Not very much.

7 THE COURT: When I am talking, I can't hear you when
8 you talk. Only one of us can talk at a time.

9 Do you remember what the question I asked was?

10 MS. LEIDHOLDT: Yes, how much more do you have on your
11 direct examination.

12 THE COURT: Yes.

13 MS. LEIDHOLDT: I am very much nearing the end, your
14 Honor, not much at all. There was abuse after the parties
15 separated. There were incidents of --

16 THE COURT: This is a temporal question.

17 MS. LEIDHOLDT: I couldn't tell you how precisely how
18 long it will take, your Honor, but I don't think it will take
19 very long at all.

20 THE COURT: You'll have to forgive me if I just sit
21 here puzzled as to "not very long at all" because we are now in
22 the 5th day of this hearing. Maybe you could try and translate
23 that into an approximate time period because I would have
24 predicted that this hearing would not take very much time at
25 all, and you both might be in agreement that it hasn't taken

CCAJSOU5

Fair - direct

1 very much time at all because that's a term that is susceptible
2 to multiple meanings.

3 MS. LEIDHOLDT: Your Honor, to the best of my ability,
4 I would estimate that perhaps, and much of it depends on
5 objections and things like that, but perhaps an hour and a
6 half.

7 THE COURT: Okay. We will pick up tomorrow at 10:00,
8 and I may have to break around 11:00 for a couple of criminal
9 matters. Now I'll hear Mr. Arenstein. The witness may step
10 down. Yes, Mr. Arenstein.

11 MR. ARENSTEIN: First of all, your Honor, I have, we
12 have submitted to the Singapore embassy the documents that we
13 had presented to the court. We had them signed -- it is
14 notarized. Excuse me.

15 THE COURT: I don't know if this is the time and place
16 for it. If you want to send me a letter, you can just send me
17 a letter with it and that is fine.

18 MR. ARENSTEIN: I have given copies to counsel, other
19 counsel.

20 THE COURT: I assumed you have.

21 MR. ARENSTEIN: The other thing is, your Honor, the
22 statement made by Ms. Leidholdt earlier today, she has provided
23 us with a copy of a letter, and she accused my counsel here of
24 putting in false affidavits and various other things to the
25 court which is not the case. If your Honor looks at what was

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Fair - direct

1 submitted here, this is a document which --

2 THE COURT: What exhibit number is it?

3 MR. ARENSTEIN: There is no exhibit number.

4 THE COURT: I don't know what you mean by what was
5 submitted here. That phrase doesn't mean very much to me.

6 MR. ARENSTEIN: She brought up in her questioning, and
7 she mentioned to the court that there was some letter that was
8 sent, affidavit that was sent to the court in Singapore that
9 was going to jeopardize her client.

10 THE COURT: You said it was submitted here. That is
11 what I am wondering about.

12 MR. ARENSTEIN: You asked before the break for her to
13 make a copy of it and bring it to the court, so the court did
14 see it. We were given a copy of it. I don't know whether it
15 was given to the court or not at this point, but this is not an
16 affidavit. This is not a declaration. This is merely a letter
17 that was --

18 THE COURT: Nothing has been submitted to me at this
19 stage of the game. I don't even know what you're talking
20 about.

21 MR. ARENSTEIN: Your Honor, if I might approach? This
22 is a letter that was sent to the courts in Singapore,
23 requesting --

24 MS. LEIDHOLDT: May I respond, please?

25 MR. ARENSTEIN: I am not finished yet.

CCAJSOU5

Fair - direct

1 THE COURT: Do you have a stapler? I have been handed
2 a letter dated 21 November 2012 to the Registrar of the Family
3 & Juvenile Court, which appears to be five pages in length.

4 Yes, sir.

5 MR. ARENSTEIN: This is a letter that was requesting
6 the transcript and the various documents from the Family
7 Harmony for this Court.

8 I sent a copy of this letter to your Honor, to
9 Ms. Baum and to Ms. Leidholdt. I received a nasty letter back
10 accusing me of being unethical and prejudicial and et cetera,
11 various things which were very, very attacking my credibility
12 and my license and everything else.

13 Ms. Baum told me not to respond to it. She asked me
14 not to respond to it, so I didn't. However, she was going to
15 talk to Ms. Leidholdt about it because it was way out of line.
16 I I had spoken to Mrs. Baum about this letter and we sent a
17 copy to your Honor with a letter requesting to the Singapore
18 courts to give us a copy of the Family Harmony reports for this
19 Court, and this was what our counsel in Singapore sent to
20 Family Harmony.

21 It was a letter. It wasn't an affidavit. Now, I sent
22 the letter to this Court with all the attachments so the court
23 could see it. I sent a copy to Ms. Baum, and I sent a copy to
24 Ms. Leidholdt. I got this nasty letter back from her.

25 THE COURT: You're repeating yourself, sir.

CCAJSOU5

Fair - direct

1 MR. ARENSTEIN: I won't repeat myself.

2 THE COURT: You even made some of these comments
3 before the lunch break. You are definitely repeating yourself
4 now.

5 MR. ARENSTEIN: Basically this letter was to get from
6 Family Harmony a copy of the report, to explain why we needed
7 it. Basically, your Honor, I think sent a letter off because I
8 got a copy that was sent to all of us, to the Family Harmony
9 people asking for a copy of that report in Singapore. I don't
10 know whether they have sent you a copy or not or what they've
11 sent you, but they only wanted to exchange between judiciary,
12 not between parties.

13 So this is one of the documents that was submitted to
14 the court to get the documents we needed from Family Harmony.
15 Ms. Leidholdt represented to the court that this was going to
16 prejudice her client. It was an affidavit, and it is not --

17 THE COURT: Thank you.

18 MR. ARENSTEIN: Therefore, I submit this to the court
19 and let the court deal with it any way they want to.

20 THE COURT: Thank you.

21 MS. LEIDHOLDT: Your Honor, I did send maybe a
22 two-sentence e-mail to Mr. Arenstein when I received this, this
23 document, which is a document that Ms. Gomez sent to the judge
24 presiding, to the kind attention of Your honor, Ms. Shoba Nair.
25 I understand she is the judge presiding over the custody matter

CCAJSOU5

Fair - direct

1 in Singapore. I think my words were this is a transparent
2 attempt to prejudice the court against our client, and I would
3 stand by those words, your Honor.

4 THE COURT: This is the court in which your client has
5 been adjudicated to be in contempt for leaving the court in
6 violation of the court's orders?

7 MS. LEIDHOLDT: That is true, your Honor. If you look
8 at the statements that were made here, this is not an effort or
9 solely an effort to obtain documents from that court.

10 This is an effort to -- if you notice the statements
11 in bold face, these are efforts to prejudice the court against
12 my client, your Honor, and I think that this --

13 THE COURT: What is pending before that court at this
14 stage?

15 MS. LEIDHOLDT: To the best of my understanding, and I
16 am not precisely sure, I have had some conversations with my
17 client's former Singapore counsel, it may be the custody
18 proceeding. If the custody proceeding is not pending in the
19 Shairiah court, it may be the custody proceeding.

20 What is represented, the statements that are made are
21 not about the needs for documents from the court for this
22 proceeding, but they're very inflammatory statements about this
23 proceeding, and the Singapore system that I believe would only
24 serve to prejudice the court against Ms. Lee.

25 THE COURT: Thank you. Anything further?

CCAJSOU5

Fair - direct

1 MR. ARENSTEIN: This is was to the mediation judge who
2 doesn't deal with the custody. This is the mediation judge
3 dealing with Family Harmony. This is not a custody judge
4 deciding a custody case, from what I am told by counsel.

5 Details were given to the court so they could
6 understand how important this was and what was going on.
7 Nothing in that letter is untrue, nothing.

8 THE COURT: Thank you. Anything further from anyone?
9 We're adjourned until tomorrow morning.

10 (Court adjourned until Tuesday, December 11, 2012, at
11 10:00 o'clock am)

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